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ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: 382

DATE: Tuesday, May '26, 1992

BEFORE:

A. KOVEN Chairman

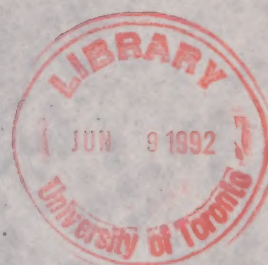
E. MARTEL Member

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ENVIRONMENTAL ASSESSMENT BOARD

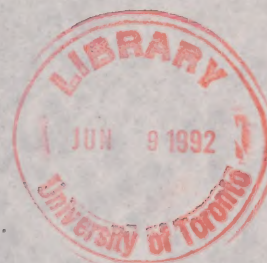
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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -

IN THE MATTER of a Notice by The Honourable
Jim Bradley, Minister of the Environment,
requiring the Environmental Assessment
Board to hold a hearing with respect to a
Class Environmental Assessment (No.
NR-AA-30) of an undertaking by the Ministry
of Natural Resources for the activity of
Timber Management on Crown Lands in
Ontario.

Hearing held at the offices of the Ontario
Highway Transport Board, 10th Floor, 151 Bloor
Street West, Toronto, Ontario, on Tuesday, May
26, 1992, commencing at 9:00 a.m.

VOLUME 382

BEFORE:

MRS. ANNE KOVEN
MR. ELIE MARTEL

Chairman
Member

A P P E A R A N C E S

MR. V. FREIDIN, Q.C.	)	MINISTRY OF NATURAL
MS. C. BLASTORAH	)	RESOURCES
MS. K. MURPHY)	
MR. B. CAMPBELL)	
MS. J. SEABORN	)	MINISTRY OF ENVIRONMENT
MS. N. GILLESPIE)	
MR. R. TUER, Q.C.	)	ONTARIO FOREST INDUSTRY
MR. R. COSMAN	)	ASSOCIATION and ONTARIO
MS. E. CRONK	)	LUMBER MANUFACTURERS'
MR. P.R. CASSIDY	)	ASSOCIATION
MR. D. HUNT)	
MR. R. BERAM		ENVIRONMENTAL ASSESSMENT BOARD
MR. J.E. HANNA	)	ONTARIO FEDERATION
DR. T. QUINNEY	)	OF ANGLERS & HUNTERS
MR. D. O'LEARY		
MR. D. HUNTER	)	NISHNAWBE-ASKI NATION
MR. M. BAEDER	)	and WINDIGO TRIBAL COUNCIL
MS. M. SWENARCHUK	)	FORESTS FOR TOMORROW
MR. R. LINDGREN)	
MR. D. COLBORNE	)	GRAND COUNCIL TREATY #3
MR. G. KAKEWAY)	
MR. J. IRWIN		ONTARIO METIS & ABORIGINAL ASSOCIATION
MS. M. HALL		KIMBERLY-CLARK OF CANADA LIMITED and SPRUCE FALLS POWER & PAPER COMPANY



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APPEARANCES (Cont'd):

MR. R. COTTON		BOISE CASCADE OF CANADA LTD.
MR. Y. GERVAIS)	ONTARIO TRAPPERS
MR. R. BARNES	)	ASSOCIATION
MR. P. ZYLBERBERG	)	NORTHWATCH COALITION
MS. B. LLOYD)	
MR. J.W. ERICKSON, Q.C.)		RED LAKE-EAR FALLS JOINT
MR. B. BABCOCK	)	MUNICIPAL COMMITTEE
MR. D. SCOTT	)	NORTHWESTERN ONTARIO
MR. J.S. TAYLOR	)	ASSOCIATED CHAMBERS OF COMMERCE
MR. J.W. HARBELL		GREAT LAKES FOREST
MR. S.M. MAKUCH		CANADIAN PACIFIC FOREST PRODUCTS LTD.
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MR. J. EBBS)	FORESTERS ASSOCIATION
MR. D. KING		VENTURE TOURISM ASSOCIATION OF ONTARIO
MR. H. GRAHAM		CANADIAN INSTITUTE OF FORESTRY (CENTRAL ONTARIO SECTION)
MR. G.J. KINLIN		DEPARTMENT OF JUSTICE
MR. S.J. STEPINAC		MINISTRY OF NORTHERN DEVELOPMENT & MINES
MR. M. COATES		ONTARIO FORESTRY ASSOCIATION
MR. P. ODORIZZI		BEARDMORE-LAKE NIPIGON WATCHDOG SOCIETY

APPEARANCES (Cont'd):

MR. R.L. AXFORD	CANADIAN ASSOCIATION OF SINGLE INDUSTRY TOWNS
MR. M.O. EDWARDS	FORT FRANCES CHAMBER OF COMMERCE
MR. P.D. McCUTCHEON	GEORGE NIXON
MR. C. BRUNETTA	NORTHWESTERN ONTARIO TOURISM ASSOCIATION

I N D E X O F P R O C E E D I N G S

<u>Witness:</u>	<u>Page No.</u>
<u>PAUL AIRD</u> ; Affirmed.	65991
Cross-Examination by Ms. Blastorah	66029
<u>TERRY CARLETON</u> ; Affirmed.	66040
SUBMISSIONS re admissibility of OFIA reply evidence	66064-66096
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I N D E X O F E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
2238	Written submission of Professor Paul Aird.	65992
2239A	Seven-page written submission of Terry Carleton.	66042
2239B	Graphical information to be referred to.	66043

1 ---Upon commencing at 9:00 a.m.

2 MADAM CHAIR: Hello. Please be seated.

3 Good morning, Professor Aird.

4 PROFESSOR AIRD: Good morning.

5 MADAM CHAIR: We are a small group this
6 morning, so we can get started immediately.

7 What we normally do Professor, is we ask
8 our witnesses if they would like to have their evidence
9 sworn in or would you prefer to be affirmed?

10 THE WITNESS: I will be affirmed.

11 PAUL AIRD, Affirmed.

12 MADAM CHAIR: We have read the written
13 material you sent to us. So the purpose of your
14 submission will be to presumably touch on that written
15 information, but we have read it carefully, as we do
16 all the written material that's given to us in advance
17 of a presentation.

18 We assign an exhibit number to the
19 written material so that we can keep it clear as to
20 when we received it and what it was. So the
21 information that we have received from you, Professor
22 Aird, will take Exhibit No. 2238 and this written
23 information will consist of --

24 MS. BLASTORAH: Madam Chair, for the
25 assistance of the Board, I believe Professor Aird has a

1 package that was put together which contains not only
2 his witness statement but some other documents. I see
3 he has copies of it. Perhaps that would be the easiest
4 way to deal with it.

5 PROFESSOR AIRD: It contains everything
6 you have plus.

7 MADAM CHAIR: That's very handy. Let's
8 take the entire package and call it Exhibit 2238.

9 The title page of this material -- it has
10 the title of Two Factors Shape the World Nature and
11 Human Nature and it is today's date, May 26, 1992, and
12 it is by Professor Aird from the Faculty of Forestry at
13 the University of Toronto.

14 ---EXHIBIT NO. 2238: Written submission of
15 Professor Paul Aird.

16 MADAM CHAIR: We can get started whenever
17 you are ready, Professor Aird.

18 THE WITNESS: Thank you, Madam Chair, and
19 Honourable Martel. The written portion of my evidence
20 is before you titled Two Factors Shape the World Nature
21 and Human Nature.

22 I would like to preface my remarks with
23 an overhead quotation. The depletion or destruction of
24 the genetic diversity of life is the heart of the
25 environmental problems facing mankind.

1 When I wrote this in 1980 I should have
2 said human kind.

3 A reduction in genetic diversity or the
4 loss of a species is irretrievable. While we can and
5 often reverse the pollution process, we cannot
6 replenish a diminished gene pool or resurrect an
7 extinct species.

8 I introduced this topic because our
9 natural heritage is the source of all of our food. We
10 are wholly depended it and it provides much of our
11 clothing, much of our medicine, at least 50 per cent of
12 our present day medicine, our building material.

13 So I maintain that the No. 1 priority in
14 the nation, in the province and in the world should be
15 to sustain the biological diversity of our system.

16 I am speaking to the topic of
17 biodiversity and I have put out not to be filed by you,
18 but for me to take home these books on biodiversity.
19 This is a topic that is very visible in science and
20 political arena today and perhaps during the break
21 later you would like to glance at some of these.

22 I also thought I would like to -- I'm not
23 sure if you have been exposed to Aldo Leopold's group A
24 and group B foresters.

25 MADAM CHAIR: We have heard Professor

1 Leopold. His work has been referred to a number of
2 times.

3 THE WITNESS: But have you heard his
4 group A and B foresters?

5 MADAM CHAIR: No.

6 THE WITNESS: I think it might be
7 illuminating. I will be brief.

8 "Conservationists are notorious for their
9 dissensions."

10 I'm sure we can all agree about that.

11 "Superficially these seem to add up to a
12 mere confusion, but a more careful
13 scrutiny reveals a single plane of
14 cleavage common to many specialized
15 fields. In each field one group, A,
16 regards the land as soil and its function
17 in commodity production. Another group,
18 B, regards the land as a biota and its
19 functions is something broader. How much
20 broader is admittedly in a state of doubt
21 and confusion. In my only field,
22 forestry..." and I am still quoting.
23 "In my own field, forestry, Group A is
24 quite content to grow trees like cabbages
25 with cellulose as the basic forest

1 commodity. It feels no inhibition
2 against violence. Its ideaology
3 is..."

4 "Group B, in the other hand, sees
5 forestry as fundamentally different from
6 (inaudible) because it employs natural
7 species and manages a natural environment
8 rather than creating an artificial one.

9 Group B prefers natural reproduction on
10 principles...outlining the differences of
11 the conservation philosophy..." and I

12 think you will find that many of us fall into one or
13 two of these categories.

14 Group B prefers natural production on
15 principle. It worries on biotic as well
16 as economic grounds about the loss of
17 species like chestnut and the threatened
18 loss of the white pine. It worries about
19 a whole series of secondary forest
20 functions, wildlife, recreation,
21 watersheds, wilderness areas.

22 To my minds Group B feels the sturdiest
23 from an ecological..."

24 I have issued a summary statement to you
25 over two months ago on March 13th and I will now

1 elaborate on many of the items listed.

2 First I would like to discuss the
3 undertaking. I know many people have discussed it with
4 you before, but I would just like to share with you my
5 reaction to the undertaking as it was defined.

6 In bold print, this is the original. The
7 purpose of the undertaking is to provide a continuous
8 and predictable supply of wood for Ontario's forest
9 products industry.

10 I would like to temper the adjectives I
11 used when I first saw this. I don't swear, but I did
12 use some strong language. I was deeply disappointed by
13 this statement. I just found it incredulous. I
14 couldn't believe it.

15 To begin with, what is wood, a
16 predictable supply of wood? Without more definition on
17 this the quality of wood could, as we have seen
18 happening, go from four-foot diameter pine trees to
19 two-foot to smaller and eventually we could get down to
20 what we call sycamore sileage and poplar sileage,
21 and that would be wood. That could be regurgitated
22 into timbers and various other things, but there are
23 more than just wood that comes from the forest.

24 Water, for example, and water is becoming
25 more and more important. I was talking about with some

1 people from California yesterday and as many people in
2 California as we have and their most pressing issue is
3 water from their forest lands, and fur and fish.

4 So just to confine the undertaking to
5 wood was deeply disappointing. Just to confine it to
6 the forest products industry and to leave out the
7 recreation industry and other things was deeply
8 disappointing too.

9 So I feel that they should have added a
10 rider to it which I have put forward there and which is
11 in the record.

12 I should also point out the thing that
13 really depressed me about this is the lack of
14 biological feeling in it. There is nothing about the
15 biological system in that phrase.

16 Here we're asking the Ministry to manage
17 the forests as a dynamic living system, but all it says
18 is we are going to supply wood. So it is this whole
19 absence of the biological part, which is why I feel
20 that it needs something added. I don't pretend that
21 these are the right words. I am just trying to share
22 with you my reaction and my disappointment.

23 The Ministry also changed the definition
24 of Crown timber. Of course, we can have many
25 definitions of Crown timber, but the definition of

1 Crown timber in the Crown Timber Act, I suggest, is
2 quite a good definition which reads:

3 "Crown timber means timber on public
4 lands or timber that is the property of
5 the Crown under the management of the
6 minister on lands other than public
7 lands."

8 But, as you know, this undertaking is
9 mainly for the forests of northern Ontario. It does
10 not consider agreement forests, it does not consider
11 some of the other forests in southern Ontario and it
12 certainly doesn't consider the forests on private
13 lands.

14 The Ministry of Natural Resources has, to
15 my mind, emphasized the forests of the north and tended
16 to ignore the forests of the south. And it may seem
17 logical in that only 13 per cent of the land base in
18 southern Ontario is forested, but this 13 per cent of
19 the land base provides 20 per cent of the industrial
20 wood, roughly. These are very rough statistics because
21 they are very hard to get.

22 Perhaps 25 per cent of the total wood
23 because it leaves out fuel wood, it leaves out barn
24 wood, it leaves out fence posts. I once estimated the
25 fuel wood supply at a pile of wood four feet high, 16

1 inches wide and 5,000 miles long as the fuel wood
2 supply in Canada. It is equivalent to what is the
3 energy generated by nuclear energy and yet it's a
4 statistics mainly left out.

5 So this 25 per cent of the wood from the
6 forests of southern Ontario is roughly one-third of the
7 value of the forests of Ontario and it provides roughly
8 half the jobs.

9 MR. MARTEL: Are you saying that -- what
10 sort of rules apply then to regeneration and so on, and
11 is this primarily hardwood - I guess it is two
12 questions - on the wood used in southern Ontario?

13 THE WITNESS: A lot of it is hardwood,
14 but a lot of it is softwood, too. I mean, if you go
15 south of that boundary in this undertaking there is a
16 lot of pine forests there and a lot of spruce forests.

17 So be that as it may, they chose to look
18 at the Crown timber, but I am just pointing out they
19 sort of narrowed the definition of Crown timber.

20 This may seem like a digression, but it
21 isn't. I now choose to show you a poem, Five
22 Duck-Faciers.

23 "I fly where I please

24 I am wild and free

25 It swims on my ponds

1 it belongs to me
2 I will shoot it first
3 then its mine to see
4 It belongs to all
5 there's a hunting fee
6 It belongs to none
7 let's it be free
8 each one's confused
9 I belong to me."

10 The government of Ontario empowered --
11 well, formed a wildlife working group and their report
12 Looking Ahead, a Wildlife Strategy for Ontario,
13 recommends that the Government of Ontario take
14 immediate steps to declare ownership of native wildlife
15 and wildlife by their definition and mine includes
16 plants and animals and micro-organisms.

17 So they are recommending that the
18 Government of Ontario declare ownership. The sense of
19 the undertaking is that the Government of Ontario has
20 already seized ownership of the timber.

21 I propose that we have to somehow or
22 other respect the natural system and be stewards of it
23 and not owners of it. Be stewards, trustees, people
24 who care for it.

25 It is not right to explain -- rarely are

1 poems explained, but since my poems are so didactic
2 they are intended to teach. If you will permit me to
3 tell you, the first one is a duck, the next one is a
4 farmer with the bird swimming on his pond, he owns it;
5 the next one is the hunter who says I'll shoot it, I'll
6 have it in my hand, it's mine, I own it; the next one
7 is a game warden who says no, this is a resource for
8 all of us, you will have to pay a hunting fee so we all
9 benefit; the next one is the (inaudible) who says no,
10 nobody owns it, let it be free. It belongs to nobody,
11 and the bird says, I'm sorry, I belong to me.

12 So I would like you to reflect. This was
13 published in a publication called Policy Options just
14 in June. I would like you to also consider reflecting
15 about whether we provincial people should own our
16 plants and animals or whether we should be stewards and
17 whether the Ministry should be responsible for
18 administering as an owner or administrator as a
19 steward.

20 I would now like to show you some slides
21 and trace the history of forest conservation in Ontario
22 with a few slides. These I will not be leaving with
23 the Board. They are merely for illustration.

24 This is a tiny sample of the deciduous or
25 so-called Carolinian forest with a big hackberry in

1 themiddle, some live walnut, hickory and some of the
2 native organisms. The monarch butterfly associated
3 with -- in migration only, but it breeds on milkweed
4 and open areas.

5 The spotted turtle, one of Ontario's rare
6 turtles, and this is one of my top five photographs in
7 my books.

8 This is the Great Lakes/St. Lawrence
9 Forest and I show you two photographs of it. A lot of
10 hardwood here, a little pine, a little spruce, birch,
11 oak, maples, butternut and this one has nearly all
12 pine. This is part of the southern forest too, the
13 Great Lakes/St. Lawrence Forest. All pine, red and
14 white pine, a little aspen tipped in with it.

15 Some of its organisms and associated
16 organisms and the northern forest, the boreal forest,
17 the black spruce, the jack pine, and some of its
18 organisms.

19 All of these organisms -- none of them
20 are either good nor bad, they are just all part of the
21 natural system. Even fire is not bad. Fire is just
22 part of the natural system.

23 It is when the fire burns something you
24 value you say it's bad. It is when the wind blows the
25 roof of a barn you say it is bad, but otherwise these

1 are all natural forces, part of the natural system and
2 part of our heritage, part of our treasure and it is in
3 fact the distinctiveness of our province.

4 So in the constitutional debate that we
5 are going through now, what is distinctive about the
6 different parts of Canada? I think the people are
7 pretty well the same about the world. What is
8 distinctive is the plants and animals that make Canada,
9 that make Ontario and this is what we must sustain, the
10 diversity, the beauty.

11 But as we a society find that we dislike
12 certain things. We want to change things. We are
13 concerned that the wolf is taking our sheep and our
14 cattle.

15 So the very first -- among the first
16 package of Acts in Ontario at the time when they formed
17 the legislative system, when they solemnized marriages
18 between people who did not have the benefit of the
19 clergy, they also created an Act to annihilate the
20 wolves and the bears and this is the beginning of our
21 legislative system dealing with plants and animals in
22 Ontario.

23 Some of the early legislation dealt with
24 the timber trade, and I would like to consider for a
25 moment a point that I found very interesting when I

1 learned it, was that the Europeans did not like our
2 white pine, our eastern white pine. They liked our red
3 pine. It was similar, it is a hard pine. The white
4 pine is a soft pine. Red pine is similar to the Scotch
5 pine of Europe and it took 40 years to overcome this
6 prejudice.

7 Strong prejudices existed. This is an
8 account in 1880. Strong prejudices existed against
9 Canadian wood in England at one time. A constructor of
10 the Royal Navy stated before a parliamentary committee
11 that a ship constructed of colonial timber could not be
12 depended on for more than 12 months on account of its
13 partiality to the dry rot.

14 Builders on the same occasions and
15 alleged that a house having a covered beam of Canadian
16 pine is dangerous to human life because it might cave
17 in at any moment. While there were some who did not
18 hesitate to maintain a building containing any portion
19 of this despised wood, it would speedily become
20 uninhabitable owing to its tendency to breed budworm.

21 So these prejudices seem funny today, but
22 we are prejudiced today in our favour of certain
23 merchantible species and our disregard for the rest.

24 The white pine timber trade was
25 fascinating. I can read of a synopsis of it in a

1 report called in Praise of Pine published by the
2 Canadian Forestry Service authored by me. It talks
3 about the history of pine and these are just some
4 pictures.

5 We think of the square timber and this is
6 what's called the waney timber. Instead of making it
7 perfectly square, they left some of the round on it so
8 that they would get more of the knot-free more valuable
9 outside wood. They wanted it square so it wouldn't
10 roll around in the ships and damage the ships in
11 passage.

12 There are many, many photographs of this
13 trade. This is just below parliament. At one time
14 Canada was the second largest ship building nation in
15 the world. We were building ships in Quebec City and
16 delivering wood to Europe and bringing people back. So
17 we were trading trees for people.

18 This is the beginnings of so much. This
19 is the beginning of the Crown Timber Act when people
20 were managing timber and interfering with one another
21 and the government wondering how much to charge and
22 what about the right of passage over dams and who
23 should pay for a timber supply, what about standards
24 for masts and spars and hand spikes and ores, and so
25 many things. These are the beginnings of measuring

1 trees. The legislation dealing with scaling of trees.

2 This is the beginnings of the University
3 of Ontario. In 1827 the University of Toronto was
4 begun by a land grant and wasn't built until some time
5 later. The Faculty of Forestry legislation led to its
6 creation in 1907.

7 When you look into the settled regions of
8 Ontario -- this happens to be Quebec, Montreal. The
9 ones in Toronto are the same. When you look at the
10 settled regions of Canada, this would be about 1842,
11 there are hardly any trees in the landscape. The
12 forest was so important for the comrade of the day to
13 build the houses and to heat them, but we always felt
14 that over the hill there was more wood.

15 I once drew a cartoon that showed a
16 fellow going over the hill saying there is more wood
17 over the hill, but over the hill was another fellow on
18 the other side pointing this way saying there is more
19 wood over the hill. Finally, as you know, we are
20 running into some problem.

21 Look at J.R. Booth bringing wood out of
22 Algonquin Park. In my limited career in forestry on
23 this earth I have never seen wood like that.

24 I don't have a similar picture to show
25 you in Ontario, but this is right on the border of

1 Quebec. This is Quebec and it's right on the border
- 2 - with Ontario and it shows the area burned by fire in a
3 30-year period, from 1920 to 1950. Roughly one-third
4 of the forest was burned by fire and most of those were
5 set. Some of them were set by the black lines. The
6 railroads at that time commonly set forest fires.

7 The pattern in the upper left is clearing
8 of land for agriculture in the Clay Belt. They were
9 doing the very same thing across the border in Ontario.

10 The fires around Val D'ore and Noranda
11 were set by prospectors; clear the forest, clear the
12 organic matter, see more rock, more likely to find
13 minerals. So our society at that period was very
14 careless with the use of fire.

15 Legislation came in earlier in both
16 Ontario and Quebec to try and limit the numbers and
17 extent of forest fires and this is a practice we are
18 using today.

19 As we come forward in time we become
20 concerned about insects, spruce budworm, aerial
21 spraying to control the insect. Not to annihilate a
22 species, but to keep a species alive.

23 We have had some terrible problems with
24 exotic species. Species introduced stupidly in some
25 cases, accidentally in others. At one time there was a

1 society for the introduction of birds in many of the
2 cities of Canada and the United States. Some people
3 wanted to introduce all the bird species that
4 Shakespeare mentioned, other people wanted to introduce
5 all the bird species from their hometown.

6 So the starling, as you know, is the most
7 abundant bird in Ontario now, a deliberate introduction
8 that has caused havoc on many other bird species.

9 This is the elm disease. Why we would
10 have to bring in elm from other country and introduce
11 the disease to our abundant elm forest was an unknown,
12 but we did it and lost them in Three Rivers, Quebec,
13 and the disease, as you know, have spread.

14 There are many examples of introductions
15 of exotic species. As we fool around with exotic
16 species we are just going to embrace more of these
17 problems. It takes a long time to know and understand.
18 You have to have several generations in forests to know
19 what's happening.

20 I abhor people who deface things, but I
21 had to take this picture of someone who wrote "stop
22 acid rain" on a dead tree in Algonquin Park.

23 The original quotation that I showed you
24 was presented to the -- on extinction of species and we
25 can't resurrect a species, was presented to the acid

1 rain committee of parliament in 1980 and at that time I
2 was saying: Listen, I think it's a serious problem and
3 the Canadian Forestry Service doesn't even have a
4 program in research and understanding of a city
5 deposition. So that was one of their recommendations
6 that we should have and there is now -- it's hard to
7 get people to change, but it is just such a serious
8 problem.

9 So this is impacting on our forests and
10 it can do so many things. For example, in many of the
11 lakes there are no more fish. So a loon family like
12 this, when the adults leave this young fellow on its
13 own, it has nothing -- no fish to fish for, but
14 normally it's dead by that time because the adults know
15 enough to fly to another lake where there is fish, but
16 they don't know enough to bring the fish back to their
17 young.

18 There was concern at the turn of the
19 century about the development of deserts in Ontario and
20 there was evidence of deserts growing in different
21 places, in sandy places, and this led to the beginnings
22 of reforestation in Ontario.

23 This also lead to the creation of
24 Algonquin Provincial Park. Save the headwaters of the
25 rivers flowing into the Ottawa, flowing into Lake Huron

1 and Lake Michigan -- pardon me, and Lake Ontario.

2 So the first nurseries that were built in
3 Ontario were - I have forgotten - but about 1904 and
4 this system has grown, as you know, but what we did was
5 we tended to plant a few species, just a few species
6 and so we planted a whole forest up to red pine or a
7 whole forest up to jack pine and then -- so this was
8 planted in 1924. It was thinned later in 1955, it was
9 pruned in 1960.

10 So once we had some of these species that
11 we decided in our wisdom at that time to grow, we then
12 have to cultivate those species, manage them, and now
13 of course we are up to modern times where we have --
14 where a whole lot of things have changed, where we have
15 log night and day, where the woods worker doesn't have
16 to touch the ground, where we can haul old trees out
17 and I won't dwell on that one, but there are many other
18 uses of the forest.

19 This one is intended to illustrate one,
20 and some of the provinces really pushed Christmas trees
21 derived from natural forests. Why this province
22 doesn't I don't know, but, boy, Nova Scotia and New
23 Brunswick, they really encourage their people to
24 generate carloads of Christmas trees from natural
25 forests that go all over the place by ship and by

1 train.

2 Of course, the importance of the forest
3 on wildlife, for the birds, the animals, for hunters,
4 fishermen and for just people who like to be in the
5 outdoors, who like to be there.

6 Legislation in recent times is concerned
7 with our endangered species, concerned with natural --
8 sustaining our natural heritage.

9 So what I've done is tried to put this
10 all in position. So the first permanent settlement in
11 Canada was in Quebec City and began in 1608 and at that
12 time people were subsisting from the forest and even
13 today some people are subsisting from the forest.

14 Some of our people of Ontario live in the
15 forest, heat with forest, build with forest, sell
16 forest products or make and sell forest products and
17 they subsist off the system. Some of them are
18 exploiting the forest, and this began right at the
19 beginning and the fish and whatever. Exploiting in the
20 sense of trading them, trading it to other people, to
21 other nations.

22 Towards the end of the 1700s the
23 governments begin to regulate things, they begin to
24 regulate the sizes of the mesh of the fishing nets,
25 they begin to regulate the diameter of the trees that

1 they cannot go below so that the smaller trees will
2 grow to become big trees, they begin to regulate the
3 hunting of deer. First of all, you can't hunt deer all
4 year round, then you can't hunt the does and then they
5 keep shortening the season.

6 So then comes in an era of protection in
7 the late 1800s, mid 1800s where legislation to protect
8 the forest from fire comes in, where game wardens were
9 celebrating in Ontario a hundred years of game wardens
10 conservation officers. They were part of protection,
11 protecting against croaching.

12 But this wasn't working in some
13 instances, so we introduced renewal. We had to plant
14 trees to stabilize the drifting sands of the deserts
15 from developing deserts of Ontario. We tried to
16 restock the Atlantic salmon race that was in Lake
17 Ontario and we failed. So this species became extinct
18 in 1998.

19 A little before this time, if we had a
20 convention here in Ontario we might have had salmon as
21 one of the foods and elk as one of the foods. These
22 things were have gone from Ontario and others are
23 likely to go. So this is some of our concerns.

24 So when you get committed to renewing,
25 say, red pine, then you've got to manage red pine. So

1 we eventually some time later, after the last world
2 war, we begin to manage these species, to thin them, to
3 prune them.

4 It is only in the 1880s that they are
5 beginning to really embrace habitat management and this
6 is what I had hoped the Ministry of Natural Resources
7 would do, habitat management, ecosystem management. I
8 had hoped that their undertaking would be to manage
9 habitats, but it seems that my impression, my
10 perspective is that they are managing species.

11 So many of us are aware of the term the
12 global village and we focus intention on the global
13 village. I tried to focus attention on the global farm
14 because it is how we manage the global farm that will
15 decide the future of the global village. If we don't
16 manage it well, that poor old village will not fair
17 very well. The quality of life of people will not be
18 very good. If we do our utmost to manage this global
19 farm, well then we will do our utmost to provide a
20 quality life for the people of the world.

21 MADAM CHAIR: Professor Aird, did you
22 have 36 slides?

23 THE WITNESS: I don't know.

24 MADAM CHAIR: That was my counting.

25 MR. MARTEL: I have 35.

1 THE WITNESS: The first one was seven and
2 my last one was 442.

3 MADAM CHAIR: You are right, Mr. Martel.

4 THE WITNESS: I did have a black one at
5 the start. Those are not exhibits. Those are mine. I
6 am not giving them to anybody.

7 So I did distribute this report, this
8 13-page report on legislation -- or research on
9 legislation to Catharine Blastorah and to the Board,
10 copies to the Board. I made an error on page 1 of the
11 report which is page 11 in this. So chuck out what you
12 have and just use this.

13 We looked at -- what I wanted to do was
14 look at all the legislation dealing with the plants and
15 animals of Ontario. I had to withdraw from that
16 grandiose scheme and say I will look at only the plants
17 because there is just so much of it. It was an
18 overwhelming job.

19 I had to withdraw from that grandiose
20 scheme and only look at the wild plants of Ontario. So
21 I had to leave out all the cultivated plants, the
22 legislation dealing with cultivated plants.

23 We looked at over 600 pieces of
24 legislation and what I call about 75 legislative
25 streams. I am going only to going to touch on the

1 highlight of this report..

2 In my introduction I say, the journey to
3 conserve the production --

4 MR. MARTEL: What page are we at?

5 THE WITNESS: I'm on page 12.

6 MADAM CHAIR: Page 12 of what?

7 THE WITNESS: My introduction. Sorry
8 about all the piecing together. I didn't know until
9 yesterday that I had to give -- that I had to bring
10 more than the one copy I had.

11 I say, the journey to conserve the
12 production and diversity of Canada's wild plants and
13 animals has been compared in difficulty and importance
14 to the journey to create a self-governing nation or the
15 journey to guarantee human rights. I really believe
16 this.

17 We have worked so hard as a nation to
18 create a constitution to work with and to create
19 freedom of rights for people and we have worked very
20 hard as a nation as well to conserve the production and
21 diversity of our system.

22 So I wanted to bless the Board at
23 sometime during this session, and I choose to bless the
24 Board right now. I really believe that you guys are --
25 that there is a lot of responsibility on you and I'm

1 very pleased that there is an environmental assessment
2 at this time.

3 I know a lot of people criticize the cost
4 of the process and the antagonistic nature of the
5 process, but the process itself I very much believe in.
6 So as the whole nation at this time is embroiled in our
7 constitutional debates, your task to me is equally
8 important to be embroiled in the debate about how to
9 sustain the diversity of our system.

10 I had difficulty with the title of this
11 and ended up saying policy in Canada-Ontario because as
12 the last paragraph on page 2 says this research traces
13 the evolution of conservation legislation in a
14 political region that has been variously named Canada.

15 Up to 1791 Upper Canada, from
16 1791 to 1841 the Province of Canada, from 1841 to 1867
17 and now Ontario, 1867.

18 So it is this spot that we are in that we
19 are looking at this legislation, but it really relates
20 from the beginning of Upper Canada, the Province of
21 Canada and now Ontario.

22 The first act dealing with wild plant was
23 an Act to regulate the public highways and roads of the
24 province with provisions regarding felling of roadside
25 trees and the destruction of roadside leaves.

1 I am going to read to you - and it is not
2 in this report that you have in hand - some of the
3 legislative streams just to give you a feeling for the
4 history. The first is the regulation of vegetation
5 along public roads in 1793. I have 75 of these
6 streams. I'm not going to give you 75.

7 Aprons built on mill dams to pass timber
8 in 1828; improvement of lakes and rivers in 1839; to
9 regulation the measurement of timber in 1842; the
10 management of Crown timber -- this is the beginnings of
11 the Crown Timber Act in 1849; the preservation of
12 municipal shade trees in 1849. We are talking about
13 this in Toronto today, a century and a half later.

14 Preservation of municipal shade trees --
15 pardon me. To prevent the spread of weeds in 1865; to
16 encourage tree planting along highways in 1871; to
17 preserve the forests from fire in 1878; respecting
18 Queen Victoria Park in 1880 which is Niagara Falls; the
19 Public Parks Act, 1882; the Sawlogs Driving Act, 1887;
20 to prevent the extermination of ginseng in 1891;
21 respecting Algonquin Provincial Park, 1893; followed by
22 other acts specific to parks.

23 The establishment of forest reserves in
24 1898; to prevent and destroy insects in 1900; the
25 Faculty of Forestry at the University of Toronto in

1 1906; reforestation by counties, 1911; reforestation of
2- privately owned lands, 1921; The Forestry Act, 1926;
3 respecting nursery stock, 1933; the sale of pulpwood by
4 settlers, 1937; the establishment of conservation
5 authorities, 1946; to regulate the use of pesticides,
6 1956; the establishment of wilderness areas 1959; the
7 harvesting of wild rice, 1960; the Niagara Escarpment
8 planning and development in 1970; the conservation of
9 endangered species, 1971; environmental assessment,
10 1975. I skipped environmental protection. Our boreal
11 emblem is eastern white pine, 1984.

12 So we reviewed all of these pieces of
13 legislation and I just found them a fascinating
14 historical exercise and it has taken a long time
15 because I think I mentioned in something else that it's
16 difficult to find money to do research on policy
17 issues. So this has been partly funded by a few
18 people, but mainly personally funded.

19 So to conclude this report, there has
20 been significant habitat change in Ontario, I maintain,
21 and erosion of biodiversity. It has been going on a
22 long time.

23 The clearing of land has been one of the
24 chief problems and as we continue to clear land and
25 change the way we are operating it will continue to be

1 one of the problems.

2 The forest in Essex County, for example,
3 is said to be 3 per cent. When you discount the forest
4 in provincial and national park and the forests in the
5 villages and towns it is less than 1 per cent of the
6 landscape and this has had a significant impact on the
7 species that are there.

8 Logging of natural forests followed by
9 the replacement with plantations originating from
10 non-local seed sources has some kind of an impact. The
11 introduction of exotic plants, insect and disease
12 species has had a profound impact.

13 One of the conclusion in this is the
14 suggestion that a provincial conservation group should
15 be established by the government of Ontario. It would
16 serve a role equivalent to the provincial auditor and
17 the provincial ombudsman.

18 I have included in your kit this report,
19 A Watchdog Needed for Ontario's Environment. This is
20 an article that the Globe & Mail published in 1980 and
21 at that time proposing that we need a watchdog for
22 Ontario's environment, and let me just read to you the
23 first paragraph.

24 "Government activities could be divided
25 into four sectors: political, economic,

1 social and environmental. The leader of
2 the opposition closely watches over all
3 political activities. The watchdog in
4 the economic sector is the provincial
5 auditor. The watchdog in the social
6 sector is the ombudsman. A watchdog for
7 the environmental sector is missing."

8 So I suggest that the Board consider this
9 aspect, that if we had a provincial conservation group
10 with the stature equivalent to the provincial auditor
11 and the provincial ombudsman, then it would try to keep
12 on top of how we as a province were managing not just
13 the forests, but agriculture and everything to do with
14 our plants and animals. If we try to do it in a
15 piecemeal basis we will not be as effective.

16 It would monitor the effectiveness of
17 current conservation policies and legislation. It
18 would audit an annual state of the forest and state of
19 the farm reports and it would provide a continuous
20 focus. This is what we need, is a continuous focus.

21 I am disturbed by the proposal by the
22 Ministry of Natural Resources for a State of the Forest
23 Report which will only come out every five years. A
24 lot can happen in five years. A lot of people forget
25 we need this continuous focus. I don't care if the

1 report doesn't change much. I want to see it, I want
2 to see what's changing, I want to know what's
3 happening. I don't want it to be an on again, off
4 again glossy that -- well, I won't pursue that one.

5 So it's disturbing, but it used to be
6 that it don't matter what we did. The natural system
7 could sustain itself. It's a certain resilience to the
8 natural system, but now we are doing so many things for
9 the natural system that we are the ones who are
10 deciding what's happening.

11 So the Government of Ontario now decides
12 through its action and through its in action, either
13 way it decides the biological diversity of plants,
14 animals, micro-organisms and natural ecosystems that
15 will be allocated to future generations.

16 So I get down to my 10 recommendations on
17 page 25.

18 MR. MARTEL: Are these commandments?

19 THE WITNESS: These are not orders. I
20 didn't know -- I thought I would just say should rather
21 than could. So I hope I am consistent. These are
22 believes of mine and I respectfully submit them to you
23 for your consideration.

24 No. 1, the Ministry of Natural Resources
25 must change its primary objective, and we have

1 discussed this.

2 No. 2, Ontario's legislature, and I have
3 just mentioned this, must receive an annual State of
4 the Forest Report and I want it to include information
5 not just as they say they're going to do on wood and
6 timber, but also on the supply and state of other
7 organisms.

8 I want -- the trouble with so many of
9 these annual reports is that the old fashioned annual
10 reports from the Ministry were first class documents.
11 They told you what they did and what they were going to
12 do, they told you how much money they spent, they told
13 you who was working on what, and so you got a past and
14 a present and a future all in the one report.

15 The modern trend is just to give you a
16 historical document so you don't have any sense of
17 what's going to go on in the future and you don't have
18 predictions.

19 So I feel that a part of this State of
20 the Forest Report must be to provide information on
21 predicted changes. I believe it should be expanded to
22 embrace not just Crown forests, but all the forests of
23 Ontario. This is what the Ministry -- even though you
24 and I may own property with some trees on it, someone
25 has got to be in charge of the whole system and this is

1 the Government of Ontario. This is where we live. Not
2 ever five years but every year.

3 I have written a little note: Pause and
4 think, why don't they do it now. I am reminded of when
5 the Honourable Martel was instrumental in getting into
6 the Crown Timber Act. The section on forest management
7 agreements which said that the minister shall when he
8 gets into an agreement:

9 "...provide information to the
10 legislature and one of these was to lay
11 before the assembly a report in respect
12 of the relationship between harvest and
13 growth including regeneration of timber
14 during the said term on the area subject
15 to the agreement.

16 The intention was perfect, the system
17 didn't work and so the system didn't respond. We have
18 not been getting this status of the forest in a truly
19 meaningful way. So I hope that we will get an annual
20 report that will be truly meaningful and truly useful.

21 No. 3, the Ministry of Natural Resources
22 must establish that its primary task is to serve as
23 steward - not owner but steward - to sustain - and I
24 have defined stewardship and ownership - and I believe
25 that if the Ministry had done this that these hearings

1 would be much briefer and this is what a lot of the
2 argument is about.

3 A basic tenant of conservation is
4 something that is imprinted on my brain, is that we
5 must keep all options open. This is what
6 conservationists are concerned about.

7 Another tenant is that an improved animal
8 or improved plant variety is not a proven variety. It
9 will take several forest generations to prove it.

10 So I suggest that the Board consider
11 warning against the dogma that a few improved exotic or
12 charismatic strains are best and reject the rest for
13 this practice can reduce options permanently.

14 No. 5, this is something that has
15 troubled me. The Government of Ontario must
16 *emancipate its employees so that they can freely and
17 publicly discuss, analyse, criticize and report on
18 government practices and policies without fear of
19 reprisal or dismissal.

20 It used to be that the Ministry of
21 Natural Resources' employees attended all professional
22 meetings, they participated, they were most active,
23 they were most vocal and they contributed a great deal,
24 but since Alan Pope fired Donald McAlpine, then
25 dismissed one of the executive coordinators of the

1 Forestry Branch, shunt him aside, and later after his
2 time another one was shunted aside it has put the fear
3 in the whole system.

4 So they often don't attend meetings. If
5 they do, they sit in the back row, they seem afraid to
6 participate, afraid to innovate and this environmental
7 assessment process has done a lot of that too. They
8 have just been very afraid to attend the meeting to say
9 something because the press might pick it up and then
10 this would be terrible.

11 So this has been a very harmful aspect of
12 these proceedings in that it has really curtailed
13 the -- people have been afraid to speak. At the
14 beginning of this process we wanted someone to come and
15 speak to us about it, someone from the Ministry of
16 Natural Resources, and we got so many refusals we had
17 to go to the top to have someone delegated. So this
18 concerns me. These are friends and colleagues and I
19 would like to have them be free to innovate, be free to
20 try something without being afraid.

21 So I'm just pointing it out as something
22 that I perceive. Perhaps you could examine it
23 elsewhere.

24 Six, the Ministry of Natural Resources
25 has been decidedly secretive in its development of

1 legislature and policy. It is, I guess, a tradition
2 within the government to be very secretive, but when
3 you deal with something that you don't need secrets
4 about, like trees and animals, other plants, then I
5 think you're missing out on an opportunity.

6 Then what troubles me is that sometimes
7 very dogmatic decisions are made and there is just no
8 explanation, there is no follow through, there is no
9 opportunity to understand, and I've given you some
10 examples here.

11 The Ministry provided a cap on forest
12 nursery production in 1986. They said you are not
13 going to be allowed to grow anymore trees, anymore than
14 this amount. So this cut down the number of trees to
15 be planted and this didn't have any explanation to the
16 public that I'm aware of.

17 The recent closure of nurseries announced
18 in 1992 is along the same lines. It really needs a
19 report on the rationale for the decision. We do not
20 have a report on the rationale for the decision. There
21 are a whole lot of people trying to get answers and
22 trying to understand this issue, but we could get up
23 front with a report on it and say we are the stewards,
24 we believe this is right. We have looked at the
25 differences between bareroot and planted stock and --

1 well, I don't want to go into that one further, but I
2 really believe that -- well, within the private lands
3 they have been planting legislation relating to private
4 land forestry. It has been underway since 1980. We
5 are in our 12th year. So that beats the record of this
6 Environmental Assessment Board. Twelve years coming up
7 and they just diddled, I think.

8 The report sat on Alan Pope's desk for a
9 long time and has gone up to cabinet I think twice. It
10 just hasn't appeared and what's holding it up? I claim
11 that Ontario is light years behind Quebec in the
12 administration of private forests.

13 So I really think that somehow or other
14 we need a rationale for these decisions so that we know
15 what is happening.

16 No. 7, progress and stewardship of
17 Ontario's natural heritage requires the Ministry of
18 Natural Resources to develop a coherent conservation
19 policy. This should be the primary directive from the
20 Board to the minister. To me it should be our highest
21 priority. What is our policy with respect to
22 sustaining biological diversity and biological
23 productivity of our distinct heritage? Then also,
24 where is it, why don't we have it?

25 So 8, it follows that the Government of

1 Ontario should change the name of the Ministry of
2 Natural Resources to the Ministry of Nature
3 Conservation.

4 No. 9, the Government of Ontario should
5 establish the following principle to govern its
6 administration. With evaluating or developing laws and
7 policies and programs the Government of Ontario --
8 when evaluating or developing laws, policies and
9 programs the Government of Ontario will strive to
10 sustain or enhance - we are developing many laws,
11 policies and programs, but we have to establish that
12 this is a guiding light - strive to sustain or enhance
13 the biological diversity and the productive capacity of
14 our land, water, plants, animals, micro-organisms on
15 which depend so much.

16 We need the natural system for the
17 evolution of natural systems to continue. Sustain use
18 of wildlife and domesticated plants, we need the
19 natural system for their use. We need it for the
20 scientific and technical advancement of our
21 understanding of what's going on. It's important in
22 our culture, it's important for spiritual enrichment.
23 It's part of our provincial and national
24 distinctiveness and it's for everyone on the globe.

25 So No. 10, the Government of Ontario

1 should establish a provincial conservation group
2 equivalent in stature to the provincial auditor and the
3 provincial ombudsman to monitor, advise and make
4 recommendations on conservation policies and
5 legislation to sustain the precious natural heritage of
6 Ontario.

7 Thank you.

8 MADAM CHAIR: Thank you very much,
9 Professor Aird.

10 Will you have any questions for Professor
11 Aird, Ms. Blastorah?

12 MS. BLASTORAH: Two or three very brief
13 questions, Madam Chair. I think it probably wouldn't
14 take more than five or ten minutes.

15 MADAM CHAIR: Why don't you go ahead,
16 then.

17 MS. BLASTORAH: I will just move up so
18 the reporter can hear me.

19 CROSS-EXAMINATION BY MS. BLASTORAH:

20 Q. I would just like to clarify a couple
21 of points from your presentation, Professor Aird.

22 You made reference a few moments ago to
23 the Crown Timber Act and the requirement in the Crown
24 Timber Act to report on the results of the FMA program.

25 Are you familiar with the five-year FMA

1 reviews that have been produced by the Ministry of
2 Natural Resources in relation to the FMAs?

3 A. Yes.

4 Q. You are familiar with those. So you
5 are aware those have been produced?

6 A. Yes.

7 Q. Thank you. You also mentioned your
8 perception that there should be an increased effort in
9 relation to private land forestry; did I understand you
10 correctly?

11 A. Yes. Perhaps I'm out of order in
12 mentioning this because we are dealing with Crown land.

13 Q. Are you familiar with the Ministry's
14 sustainable forestry initiatives?

15 A. Well, I've read them. I'm not --
16 I've read the blurb.

17 Q. Are you familiar with the private
18 land portion of that?

19 A. Yes.

20 Q. Does that in any way address your
21 concerns that it does appear as a result of that to be
22 some priority with the Ministry?

23 A. Time will tell.

24 Q. Thank you.

25 A. But what I'm doing is pointing out

1 that the system has not been working through 12 years
2 to get this process working.

3 So although things are changing and may
4 be heating up now, it has heated up in the past too and
5 then just dropped.

6 Q. Next, Dr. Aird, you talked about the
7 importance of biodiversity, was a highlight I think of
8 your presentation, I think it is fair to say.

9 Have you had an opportunity to review the
10 Ministry's reply statement of the evidence and in
11 particular Panel 3 or reply witness statement No. 3 of
12 the Ministry's reply evidence?

13 A. No, I have not.

14 Q. Thank you.

15 A. I thought that as a part-time party
16 that all this material would be sent to me and I did
17 not receive it.

18 Q. Are you aware of the repository at
19 the University of Toronto where all of the witness
20 statements are maintained?

21 A. I was responsible for establishing
22 them there.

23 Q. So you are aware of that?

24 A. I criticized at one of the early
25 board meetings saying, let's not leave all of this

1 material in the government offices. It should be in
2 universities, it should be in the Faculty of Forestry
3 at the University of Toronto and the Faculty of
4 Forestry at Lakehead and they did put it in Lakehead
5 and they put it in our offices.

6 Q. So you are aware of the access
7 available there?

8 A. Yes.

9 Q. Lastly, you gave a statistic in
10 relation to the percentage of the wood supply that
11 comes from southern Ontario.

12 Firstly, perhaps, what do you mean by
13 southern Ontario in that context?

14 A. South of the -- well, southern
15 Ontario would be the French River and the Mattawa River
16 and the lake between. The statistics are difficult to
17 put together because when you deal with private land
18 forestry some of it is (inaudible) and it is hard to
19 get a separation.

20 Q. So that reference then that you
21 made --

22 A. It's very general.

23 Q. So when you indicated 25 per cent --

24 A. It's very general. It could be 20,
25 it could be 30.

1 Q. Did you have any particular source
2 for that number or is that just your estimate of what
3 the ballpark figure would be?

4 A. I estimated all of this in a report
5 that was published by the Ministry of Natural Resources
6 in 1980, Government Incentives and Disincentives to
7 Private Land Forestry in Ontario.

8 Q. So was that reference then
9 exclusively to private land forestry?

10 A. Yes.

11 Q. I see. Does that report --

12 A. These data apply to that time and I
13 haven't seen much change to make any change.

14 Q. That 25 per cent figure that you
15 cited then would be 25 per cent of the wood supply from
16 private land forestry alone?

17 A. Mm-hmm.

18 MS. BLASTORAH: Thank you. Those are my
19 questions, Madam Chair.

20 THE WITNESS: But that's a whole lot of
21 things including fences, fencing and fuel wood
22 everything.

23 MS. BLASTORAH: Q. Would that include
24 then the species such as beech?

25 A. It is both industrial and

1 non-industrial wood.

2 MS. BLASTORAH: Thank you. Those are my
3 questions.

4 MADAM CHAIR: Thank you, Ms. Blastorah.

5 Ms. Blastorah, Professor Aird has
6 mentioned several times that he would like to see some
7 annual State of the Forest Report.

8 Have you read in the proposal by the
9 Ministry of Natural Resources that there will be an
10 annual report on forestry?

11 It's perhaps not as detailed a treatment
12 as there would be in the State of the Forest Report
13 that is to be published every five years, but perhaps
14 Ms. Blastorah could point you in the direction.

15 In the reply evidence we have had a bit
16 of information given to us on the titles and the
17 information that would be examined in the State of the
18 Forest Report and the annual report.

19 MS. BLASTORAH: I certainly will do that,
20 Madam Chair. I believe Professor Aird may be familiar
21 with that. We did have an interrogatory from him in
22 relation to the State of the Forest Report
23 specifically, but I would be happy to do that.

24 MADAM CHAIR: Thank you.

25 THE WITNESS: May I comment?

1 MADAM CHAIR: Yes, Professor Aird.

2 THE WITNESS: I sent an interrogatory to
3 the Ministry saying -- this is the question and answer.

4 "The information provided suggests that
5 the State of the Forest Report will deal
6 almost exclusively with commercial woody
7 species. If this is true, it is
8 appropriate to call it a State of the
9 Forest Report. Will the report provide
10 significant information on the state of
11 other plant, animal and microbial species
12 that constitute the forest?"

13 The answer I received yesterday was:

14 "MNR has proposed that a State of the
15 Forest Report be prepared every five
16 years. That report was first described
17 in MNR statement of evidence Panel No. 16
18 (XVI) entitled Monitoring and Reporting
19 and more recently in MNR's January 6,
20 1992 draft terms and conditions. See
21 condition No. 70 in Appendix No. 22.
22 It is MNR's intention to focus this
23 report on those matters which pertain
24 directly to timber management. This will
25 include reporting on aspects of the

1 timber resource such as an update of the
2 publication Forest Resources of Ontario
3 1986.

4 It is also MNR's intention to report on
5 related matters that are thought to be of
6 interest to the public. This intention
7 is reflected in MNR's January 6th, 1992
8 terms and conditions.

9 At this time MNR has not made a decision
10 on reporting on information about the
11 state of other plant, animal and
12 microbial species at the provincial
13 level."

14 So it is in my perspective not a State of
15 the Forest Report, but it's a state of certain
16 activities of interest report.

17 MADAM CHAIR: Well, certainly the Board
18 has information before it that during the negotiations
19 of terms and conditions the Ministry of Natural
20 Resources has put some additional importance on
21 collecting non-timber data about fisheries and so
22 forth, how that will be reported at the end of the day.

23 We certainly heard your views on that and
24 we will consider them.

25 MS. BLASTORAH: In response to your

1 request, Madam Chair, I would point Professor Aird to
2 term and condition 68 which deals with the provincial
3 annual report and there is a reference there to
4 Appendix 20 which outlines what will be contained in
5 that report, and reply witness statement No. 2 provided
6 by the Ministry of Natural Resources deals with the
7 monitoring and reporting aspects of the terms and
8 conditions.

9 THE WITNESS: That's all in the...

10 MS. BLASTORAH: That's the terms and
11 conditions, yes.

12 MADAM CHAIR: Perhaps Mr. Pascoe could
13 help provide you with copies of the MNR's reply
14 evidence if you haven't seen that. It is fairly recent
15 and I don't know if it has reached the university
16 repository yet, but perhaps Mr. Pascoe could help you
17 obtain those documents.

18 THE WITNESS: I would very much like to
19 see what their policy is on biodiveristy and
20 bioproductivity.

21 MADAM CHAIR: Probably to go to the
22 exhibits list is the fastest way of doing that because
23 there has been some various references to that work.

24 MS. BLASTORAH: I would also refer
25 Professor Aird to reply witness statement No. 3 in

1 relation to that subject.

2 MADAM CHAIR: Yes, thank you.

3 MR. MARTEL: You might want to hear the
4 scoping exercise as well. We have asked MNR for some
5 explanations of what some of it means in their reply
6 evidence.

7 THE WITNESS: Is that today?

8 MR. MARTEL: Part of it. One and two
9 tonight.

10 MS. BLASTORAH: I think the one that
11 Professor Aird -- well, the monitoring issue, which is
12 Panel 2, would be scoped today and Panel 3 is going to
13 be scoped tomorrow which would deal with the broader
14 landscape management and the development of the
15 ecological land classification system, that sort of
16 thing would be dealt with in terms of scoping Panel 3
17 tomorrow.

18 MR. MARTEL: Yes, and we have for some
19 discussion, though.

20 MADAM CHAIR: We won't be getting that
21 information at these sessions. We are trying to direct
22 the Ministry as to what we want to hear in the reply
23 evidence in Sudbury.

24 THE WITNESS: I would very much like to
25 attend the one today, but I am a mentor to some high

1 school students and I meet with them every two weeks
2 and today is the day.

3 MADAM CHAIR: Professor Aird, the Board
4 wants to thank you very much for all the work you have
5 put into your presentation. We know that you have been
6 following and participating in this hearing since the
7 early days.

8 You will be kept apprised of our
9 schedule. We expect the hearing -- actually, this is
10 the last week of submissions that we will be hearing,
11 so we see the final stages of our work. We will be
12 going to Sudbury to hear the reply evidence of the
13 Ministry and we will also be hearing final argument
14 that will be later on in the fall. The hearing will
15 conclude some time in October or November and we hope
16 to get our decision out as quickly as possible after
17 that.

18 THE WITNESS: Well, good luck with it.

19 MADAM CHAIR: Thank you very much.

20 THE WITNESS: Thank you.

21 MADAM CHAIR: We will be back at 1:30 to
22 hear Professor Carleton.

23 ---Recess at 10:25 a.m.

24 ---On resuming at 2:00 p.m.

25 MADAM CHAIR: Good afternoon. Please be

1 seated.

2 I'm sorry that we are late starting today
3 Dr. Carleton.

4 DR. CARLETON: That's okay.

5 MADAM CHAIR: Thank you very much for
6 coming to talk to the Board.

7 Do you wish to have your evidence
8 affirmed or sworn in?

9 DR. CARLETON: I don't know what the
10 implications of that would be.

11 MADAM CHAIR: It is simply a procedure
12 that we have with respect to asking people to attest to
13 the fact that the evidence they give this Board is the
14 truth.

15 If you wish to simply sit there I would
16 ask you, do you affirm that the evidence you give the
17 Board is the truth and nothing but the truth.

18 DR. CARLETON: Yes, I do.

19 MADAM CHAIR: Thank you, sir.

20 MR. MARTEL: Nothing sinister.

21 TERRY CARLETON; Affirmed.

22 MADAM CHAIR: What we do with any of the
23 written submissions we receive is we assign those an
24 exhibit number to keep clear for everyone exactly how
25 this evidence entered the hearing and this will show up

1 on an exhibit list, and if you are not familiar with
2 the exhibits lists Mr. Pascoe could show you after the
3 hearing how we have been logging the written
4 submissions we receive.

5 We will assign to your submission the
6 Exhibit No. 2239. We have read the material that you
7 sent to us ahead of time, Dr. Carleton. So exhibit
8 2239 will consist of a seven-page written witness
9 statement, the article -- and the two articles of which
10 you were co-author.

11 MS. BLASTORAH: I believe those were
12 already marked as an exhibit, Madam Chair.

13 MADAM CHAIR: Good. Do you have the
14 exhibit numbers?

15 MS. BLASTORAH: I do, but I just have to
16 locate my copies of the articles and I will be able to
17 give you those. I seem to have put them away too
18 tidely. I do have them here, so perhaps I can advise
19 you on the break.

20 MADAM CHAIR: Thank you very much, Ms.
21 Blastorah.

22 Was there any other written information
23 you wish to give the Board in addition to what we have?

24 THE WITNESS: I do have -- not written
25 information, but I have some graphical information

1 which I will hand out as I give my presentation this
2 afternoon. If that could be added in I would
3 appreciate it.

4 MADAM CHAIR: All right. What we will do
5 then is make your seven-page statement Exhibit 2239A.

6 ---EXHIBIT NO. 2239A: Seven-page written submission of
7 Terry Carleton.

8 MS. BLASTORAH: I have located those
9 exhibit numbers, Madam Chair. The article entitled The
10 Vegetation of Post-Log Black Spruce Lowlands in Central
11 Canada, which is a 1988 article, is Exhibit 1525.

12 MADAM CHAIR: Thank you.

13 MS. BLASTORAH: The second article
14 entitled The Vegetation of Post-Log Black Spruce
15 Lowlands in Central Canada -- sorry. The first one is
16 subtitled Trees and Tall Shrubs and the second one is
17 subtitled Understory Vegetation, and that is Exhibit
18 1526.

19 MADAM CHAIR: Thank you very much.

20 MADAM CHAIR: Exhibit 2239B will be the
21 graphical information you pass out today.

22 How many pages?

23 THE WITNESS: There are just two new
24 ones.

25 MADAM CHAIR: All right, thank you.

---EXHIBIT NO. 2239B: Graphical information
to be referred to.

MADAM CHAIR: Please go ahead.

THE WITNESS: Well, what I propose to do is basically read my witness statement and I would like to relish it with just a few illustrations on the overhead projector, if I may.

First, I would like to thank the review panel for this opportunity to express my opinions on the proposed class environmental assessment process as presented by the Ontario Ministry of Natural Resources.

I would like to make it clear that I represent no body other than myself. The following opinions are my own and do not reflect any official policy of my employer, the Faculty of Forestry, and the Department of Botany at the University of Toronto.

Indeed, there is no official policy from these university divisions. However, several of my immediate colleagues share some of the views.

Thirdly, I would also like to take this opportunity to stress my relationship with the OMNR, the Ontario Ministry of Natural Resources, has always been positive and productive. I cherish this relationship in the hope that it will continue.

The following remarks are offered in a

1 spirit of cooperation or the goal which is far from
2 easy to achieve in the northern physical environment,
3 sound, sustainable forest management which also
4 conserves those wildlife values which have disappeared
5 and are disappearing at an accelerated pace from these
6 parts of the world.

7 I would perhaps just like to embellish
8 those remarks a little by commenting on the rather
9 unfortunate nature of this whole procedure which is
10 very adversarial. I always felt that we could be more
11 constructive in a consultative rather than adversarial
12 type of environment and it is unfortunate that much of
13 this has developed in the way that it has. So I feel
14 that we should be approaching this more jointly in a
15 constructive fashion rather than in a legalistic
16 adversarial mode.

17 A heavy load falls on the shoulders of
18 the ministries responsible for the management of
19 terrestrial ecosystems throughout Canada. Unlike
20 Europe and the United States, much of the pristine
21 biological diversity remains.

22 In addition to conserving the supply of
23 economic resources from terrestrial ecosystems, such
24 provincial government departments have a fundamental
25 moral and public legal responsibility to act as

1 stewards of the biological landscape.

2 Sound management is based on the
3 application of knowledge gained through experience,
4 survey and experimentation. While there has been much
5 activity to gain knowledge in the areas of timber
6 management and major wildlife species, the acquisition
7 of empirical knowledge in the areas of non-timber and
8 non-game management in the forested portions of Ontario
9 has been -- I put in my statement "very limited".
10 Perhaps I should qualify that. It has been relatively
11 limited compared with the effort to put into productive
12 timber management.

13 A first step in the understanding of
14 non-timber and non-game organisms is a complete
15 inventory of plant and animal species within grid
16 mapped units at an acceptable scale; for example, one
17 kilometre squared grid units or, alternatively, natural
18 units such as the forest resource inventory stand
19 units.

20 I should just add that the one kilometre
21 should read with a superscript 2 to indicate that it is
22 a square kilometre.

23 In the context of Ontario, such
24 biological survey of the area of undertaking for timber
25 management on Crown lands is practically non-existent,

1 nor does there appear to be any coordinated to move in
2 such a direction.

3 My field of interest of professional
4 expertise lies in forest vegetation ecology. I have a
5 strong and abiding interest in the flora of the forest
6 understorey throughout the Province of Ontario.

7 In a recent survey of old growth pine, of
8 38 old growth pine woodlands in the eastern portion of
9 Ontario, we enumerated 261 understorey plant species.
10 If the species of single stands are arranged in
11 decreasing rank order of their abundance, then we can
12 produce a dominance diversity curve of the type which
13 is shown in the witness statement and which also I have
14 here as an overhead projection.

15 Such data as this is a simple way of
16 summarizing the ranked abundances in plant species in
17 this case within a defined surface area of the
18 landscape. This should read 800 metres square in both
19 places. In this case, the actual data applies to 20
20 square metres. So it is a subset of these two larger
21 areas that are indicated for each stand.

22 The purpose of this is to simply show
23 that by ranking species from the most abundant to the
24 least abundant in the defined sample graph a curve can
25 result with the abundance measure, whatever it may be,

1 on the left-hand side which has a characteristic shape.

2 If we have a very steep and very narrowed
3 curve this indicates a fairly species poor
4 environmental habitat and one in which a few species
5 dominate.

6 If, however, the curve is relatively
7 elongated, particularly on the right hand tail,
8 suggests - the flatter and oval shape - this suggests
9 that there is more equitability among the various
10 species for their respected abundances. That, in turn,
11 means we have a relatively diverse community and this
12 is really what most biologists refer as the notion of
13 biodiversity. It consists of two components; the
14 number of species present and also the respective
15 abundance of those species. So these are simply put in
16 for illustrative purposes.

17 The same general pattern prevails among
18 all forest stands, even though these are for old growth
19 stands and they have emphasized that relatively few
20 species occupy most of the above-ground biomass within
21 the forest stand. So that at most about one-third of
22 the species contributed to the majority of the
23 ecosystem. The remainder are minor species that occupy
24 a small micro-habitat in various places in the forest
25 structure.

1 Now, as I have emphasized here, there is
2 a provincial program which involves the enumeration of
3 understorey plant species as cover in relation to the
4 environmental features of forest stands. This is the
5 forest ecosystem survey program.

6 I have the first product of that program
7 here. This is the Field Guide Forest Ecosystem
8 Classification of the Clay Belt, 3E, by Jones,
9 Pierpoint, Wickware, Jeglum, Arnup and Bowles. This is
10 one of the first of the three or four FEC programs that
11 are currently underway in the province.

12 This attempts to typify the relationship
13 between vegetation and environmental features in forest
14 stands, but if you go through these -- again, I should
15 say that I have been involved with this program myself.
16 I'm very supportive of it. I think it's an extremely
17 useful tool for forest management, but it does tend to
18 ignore these minor species which form the abundance of
19 names on diagrams such as this.

20 Now, I would like to refer to the one
21 area of the class environmental assessment procedure
22 which does refer primarily to these minor species of
23 wildlife, in this case wild plant life. This is the
24 ESSA Document, An Investigation into the Effects of
25 Timber Management on Wildlife produced by Environmental

1 Social Assistance Analysts Limited. This was a
2 contract which presumably was issued by the Ministry of
3 Natural Resources to explore the impact of timber
4 management policy on wildlife.

5 I should first of all stress that this in
6 many ways is a very useful document. As I've said in
7 the submission, my own witness statement, it lays out a
8 process for investigating the relationships of various
9 ecosystem components, forest ecosystem components with
10 impacts on those biotic components.

11 We have, for example, this type of
12 diagram in which a hypothetical pathway of interaction
13 is laid out to identify the impact of, in this case,
14 clearcutting on species distribution. Unfortunately,
15 the document doesn't explicitly state how these
16 pathways are to be quantified. So this is a
17 hypothesis, a model of what is likely the scenario. It
18 doesn't lay out explicitly how it is to be
19 accomplished.

20 Although this process is useful, I feel
21 that the document as a whole ignores more base line
22 data acquisition in which this type of hypothetical
23 framework which is really not largely irrelevant. It
24 is essentially important to know what is part of the
25 natural forested landscape in the province.

1 So whereas this lays out the protocol for
2 how one might proceed on the impacts of forest
3 management activity over the forested landscape, it
4 doesn't tell us what is already there. We have no
5 knowledge of the current species distribution
6 throughout most of the forests of Ontario.

7 There have been various studies, mostly
8 by academic researchers, including myself, across
9 various portions of the province and each of these uses
10 different sampling procedures and, therefore, it is
11 difficult to compare with the other.

12 The FEC program itself is probably the
13 most coordinated of these forest vegetation survey
14 efforts. As I say, I think it emphasizes only the
15 abundant species.

16 So we have this spectre of forest
17 management activity on the basis of the class
18 environmental assessment being implemented without
19 really knowing what is out there and what will be
20 impacted. It essentially ignores the uniqueness of a
21 particular patch of ground.

22 Now, in my witness statement I have laid
23 out the situation which prevailed in plant ecology in
24 North America during the first portion of this century
25 in which a well-known and very outspoken plant

1 ecologist by the name of Frederick Clements, who is
2 quite influential in his sphere, put forward a theory
3 on plant vegetation succession and the result of that
4 theory and its widespread acceptance was that it
5 essentially held in check empirical study both of the
6 process of successional change and also the need to map
7 vegetation throughout North America.

8 This contrasts with the European scene in
9 which the process of mapping, of enumerating vegetation
10 cover was not hampered by theory at all and,
11 consequently, now Europe has some of the finest
12 vegetation mapping in the world. The system, in fact,
13 is extended only not to all of western Europe, but also
14 to the colonies and ex-colonies of those countries
15 involved.

16 So they have rather effective knowledge
17 of the total biodiversity, the plant species diversity
18 over the landscape and they can map specific portions
19 at any scale.

20 So the position that I am taking on this
21 is that if we here in North America, particularly in
22 Ontario, do not know what is in the forested landscape
23 to start with it's very difficult to learn how to
24 manage it. Therefore, I propose that the notion of
25 class environmental assessment is rather difficult to

1 accommodate with this need to understand what is out
2 there, what is to be surveyed.

3 I would, therefore, suggest that although
4 the total process of site specific assessment is
5 perhaps too unwieldly to apply in the case of timber
6 management practices, there should be some sort of
7 additional inventory or non-timber values aimed at
8 wildlife.

9 I am, of course, bias towards plant
10 wildlife, but at the same time it should include animal
11 populations where possible and even what we in the
12 broad sense might call microbial populations; forest
13 fungi, for example, would be a very good example.

14 I pointed out that we can't always
15 predict the occurrence of species from modelling
16 strategies of the type that we see in the ESSA
17 Document, necessary though this type of document is in
18 laying out the process by which we can study impacts.
19 We still have to know what's there in the first place.

20 Much of what controls plant distribution
21 is not only due to predictable components in the
22 landscape such as the soil type, the local climate, but
23 also due to accidents, the history, and historical
24 priorities have come to be recognized as being
25 increasingly important in determining the vegetation

1 and the plant community distribution over the
2 landscape. There is a lot of contemporary literature
3 supporting this currently which is essentially, shall I
4 say, strained the credibility of some of the oldest
5 successional ideas.

6 So that's my primary concern, that there
7 is no place in this document for regular inventory of
8 wildlife populations. This need not be conducted on a
9 particular expensive scale. It could be done by hiring
10 a few experts and even consultants and surveying on a
11 species list basis prior to forest management activity
12 in this hearing as part of the regular ground base
13 inventory process.

14 What is necessary is that it should be
15 backed up by some teeth should an unusual flora or
16 fauna be encountered; that is, that that particular
17 parcel of land should be withdrawn or reallocated from
18 the forest base, the natural forest base, and set aside
19 as some sort of reserve.

20 Again, the areas involved may not be
21 large, but at least the effort should be made to find
22 out what is there in the first place.

23 Now, a broader concern which links with
24 my own research more, which is less tangible perhaps,
25 is the effect of forest management activity on the

1 existing flora and this has been the focus of some of
2 those studies in the past few years.

3 Using substantially the same sampling
4 system, sampling scheme, as that of the forest
5 ecosystem classification program, so that the data sets
6 are directly comparable. In fact, I should acknowledge
7 the financial support of the Ministry of Natural
8 Resources in doing some of this research.

9 I'm going to just present a diagram here
10 which might not be the easiest at first sight to
11 interpret so I am going to have to explain this one
12 rather carefully and this is one of the two graphical
13 illustrations that I would like to deposit as part of
14 the witness statement.

15 This is what's called a vegetation
16 coordination diagram. As you can see from the numbers
17 at the top it incorporates some information on 399
18 forest stands. These forest stands are either
19 post-fire black spruce in the northeastern boreal
20 forest of Ontario or they are post-logged black spruce
21 woodland. So the common element here is that they
22 were -- either are or were at some time in the past a
23 black spruce dominated forest.

24 I am not going to get into how this
25 diagram was derived, but simply to explain that each

1 letter in this case represents one forest stand and
2 that the distance they are apart from one another
3 reflects the similarity in understorey plant species
4 composition in such a way that -- we can say, for
5 example, these two stands here denoted by F are very
6 close together and, therefore, they have a very similar
7 species composition. As you can see, the total plant
8 species list among all the stands is 364 species. It
9 is quite a large number.

10 I should point out that forest management
11 focuses on only two of those species in the same area.

12 If we look, say, at one of the Fs at the
13 extreme right here and one of the Us at the extreme
14 left, these are maximally different in their species
15 composition. So these are very different plant
16 communities at opposite ends of the first axis here,
17 the horizontal axis.

18 These axes do not summarize all of the
19 composition of variability among these forest stands,
20 but they extract the maximum portion that can be pulled
21 out in a single direction. So there are residual
22 portions of variability that are not explained by this
23 diagram. However, the majority of it is encapsulated
24 in this diagram.

25 Well, the interpretation from that, as

1 you can see from the legend, is that both -- start on
2- the left first of all, if I may. The F stand stands
3 for forest ecosystem classification data and
4 essentially from this study of black spruce in the Clay
5 Belt. It is the subset which applies only to the black
6 spruce working group. These we assume are all
7 post-fire stands and there is an after forest fire.

8 In addition, there are some of our own
9 post-fire data includes and these are denoted as either
10 young, mid-aged or old black spruce woodland, the Y and
11 O respectively.

12 Post-log data, there are two data sets.
13 A lowland data set indicated by Ws and an optimum data
14 set indicated by the Us. These are respective studies
15 of (inaudible) indicated by the Ws, that's the subject
16 of the other submitted documentation, and also a Ph.D
17 thesis which was included with my witness statement
18 applies to the Us in this diagram. So essentially this
19 diagram puts both of those studies together in
20 association with the FEC study or part of it.

21 What this shows is that the development
22 of post-logged plant communities on the Clay Belt sites
23 of post-logged areas is very different from the
24 post-fire stands which occur after natural fire which
25 may or may not be of natural causes.

1 So we have the upland post-logged stands
2 at one extreme here and we have most of the natural
3 post-fire stands at the other extreme on the right-hand
4 side. This shows they are very, very different in
5 composition of the understorey.

6 What's extremely different from the
7 natural post-fire woodland is the wetland, the lowland
8 flora, lowland vegetation. It pops up after logging in
9 the wetlands. Nevertheless, they are somewhat
10 different.

11 The other notable point that I would like
12 to draw your attention to here is the extremely
13 contracted nature of these two post-logging sites.
14 They are relatively tightly bound up as distinctive
15 entities, whereas the natural post-fire woodland shows
16 a wide spread. In other words, there is a wide degree
17 of compositional difference from one natural post-fire
18 stand to another, whereas the logging impact is imposed
19 in deformity in the environment which, in turn, is
20 reflected in the understorey plant species composition
21 because we are dealing with deformity and homogeneity
22 to the understorey plant species composition.

23 I should stress that this study comes in
24 a chronosequence of 58 years and, therefore, we don't
25 have tight control over the design in this case. This

1 is not by any means comparable to a tightly controlled
2 experiment where one control can control the age and
3 the site condition and predict the community that is
4 going to pop up as a result of that, but it does
5 through circumstantial evidence indicate that there is
6 an homogenizing effect to logging activity.

7 I should also stress that no attempt has
8 been made in any of these post-log stands to regenerate
9 the stand. This is all natural regeneration.

10 It does, however, subsume horse skidding
11 as a practice and also mechanical skidding as a
12 practice.

13 This applies only to the black spruce
14 working group and what we can see is that part of the
15 post-log stands are very different for the most part
16 from the post-fire woodlands.

17 If we compare an even broader data set
18 including those two logged -- post-logged data sets of
19 understorey vegetation and combine now not just with
20 the black spruce stand with the FEC study, but all
21 stands in the FEC study so that we incorporate all
22 forest types, we can see a less distinctive picture
23 perhaps.

24 Again, the legend shows here that Fs
25 indicates the FEC stands. The spruce stands, the young

1 and the middle aged and the old in the previous diagram
2 are shown collectively here as spruce woodland.

3 Finally, they are also a few additional
4 post-fire poplar woodlands included. All of these are
5 sampled by the same methods.

6 Similarly, the post-logged data sets are
7 shown in the same way, the uplands are shown here.
8 This time, unfortunately, the legend has changed a
9 little and the wetlands and lowlands are shown this
10 time with an L. They are the same data set.

11 The relative homogeneity from the two
12 post-logged data sets shows through here, but they are
13 distinct from the other stands. Perhaps what is not so
14 obvious is that the upland, particularly the upland
15 post-logged data mixed in with some of our post-fire
16 poplar woodland and this indicates there has been a
17 shift as a result of the logging from spruce dominance
18 to poplar dominance.

19 So stands essentially have been pushed
20 right across this diagram from the right to the left
21 through the logging impact in terms of the plant
22 species composition.

23 I should also add, though, that the
24 natural post-fire regime is even more diverse. We see
25 an even wider scatter of natural post-fire stands in

1 this diagram than we did in the previous one.

2 The interpretation of that, the central
3 interpretation with this little cartoon which I
4 sometimes use. Sorry about the text overlapping my
5 reference note.

6 The suggestion here then from this
7 diagram is that if we take a natural black spruce
8 woodland in the boreal of northern Ontario, it can go
9 through fire disturbance at any time during its
10 developmental sequence, from the initiation through to
11 an old growth phase, and this for the most part will
12 tend to cause a reversion to the beginning of the
13 sequence and a recolonization of the same tree species.

14 In some cases, extreme fire, a very
15 severe fire may not facilitate that process. It may
16 actually cause a shift towards a mixed woodland or even
17 a pure deciduous woodland. These are the exceptions
18 rather than rules.

19 If a deciduous woodland establishes it
20 can also regenerate or resprout usually under
21 conditions of light surface fire. If it's a heavy
22 fire, if it's a severe fire which burns deeply in the
23 soil, then the roots of these hardwoods are often
24 killed and they cannot easily resprout.

25 The effect of mechanical logging appears

1 to push both of these systems towards a deciduous
2 ecosystem type which I have argued elsewhere is
3 essentially an ecosystem flip from one nutrient type to
4 another, and I won't get into that.

5 I don't think it is entirely relevant
6 because we are dealing with emperical data and not
7 mechanistic data, but the interpretation is that the
8 mechanical logging effect, at least the historical
9 record covering the last 60 years or so, indicates the
10 conversion from one stand type to another. In other
11 words, much of this conifer forest is being obliterated
12 from the landscape over the long term. So this is a
13 landscape...

14 This does imply that the types of
15 disturbance which are being imposed through
16 particularly the use of heavy mechanical equipment is a
17 particularly strong concern in northern forests and it
18 also implies that very strong regeneration efforts
19 should be made to return the system to the original
20 coniferous woodland where the wood is being logged.

21 The signal feature of fire disturbance is
22 that there is a very limited window of opportunity for
23 the re-establishment of trees after fire before
24 competing vegetation pre-enters the site. This is
25 something that hardwoods are extremely effective at

1 doing.

2 So forest management must be scheduled in
3 such a way that following harvesting activities
4 regeneration efforts are immediate. This is one of
5 the -- as I well know from talking to forest managers
6 in the field, one of the perpetual nightmares is the
7 scheduling problem.

8 I am not trying to be adversarial in
9 this. They have my profound sympathy in coping with
10 those situations.

11 That essentially is my statement. I
12 would just like to point out at the end of my witness
13 statement that I refer to the fact that during the
14 middle ages much of Europe lost its forest cover. It
15 is largely an industrial and agricultural landscape
16 these days with secondary forests that have been
17 created by man.

18 The United States and southern Ontario
19 lost much of its forest cover during the 19th century
20 due to farming, only some of which was successful, and
21 now there is the prospect that much of the tropical
22 forests in the world is fast disappearing due to poor
23 agricultural management practices.

24 We have to be careful in this country
25 that the same does not happen to our boreal forest. It

1 represents the largest remaining forest in the world
2 and because of that a particular onus falls on our
3 shoulders to preserve it, conserve it for future
4 generations and to show how it can be done to other
5 parts of the country and also to other parts of the
6 world.

7 Thank you.

8 MADAM CHAIR: Thank you, Professor
9 Carleton.

10 Will there be any questions for Professor
11 Carleton?

12 MR. LINDGREN: No, Madam Chair.

13 MADAM CHAIR: Thank you, Mr. Lindgren.

14 Ms. Blastorah?

15 MS. BLASTORAH: May I just have one
16 moment, Madam Chair.

17 No questions, Madam Chair.

18 MADAM CHAIR: Thank you very much,
19 Professor Carleton. The Board appreciates you coming
20 today and giving us your thoughtful presentation.

21 THE WITNESS: To whom do I hand the
22 graphs?

23 MADAM CHAIR: I don't see Mr. Pascoe, so
24 why don't you just give to us.

25 THE WITNESS: I have copies for other

1 people, if they would like them. These are recent
2 hot-off-the-press results.

3 MADAM CHAIR: Thank you very much.

4 Thank you very much, Professor Carleton.
5 We will be back at 3:00 to hear submissions by the
6 OFIA.

7 ---Recess at 2:35 p.m.

8 ---On resuming at 3:20 p.m.

9 MADAM CHAIR: Please be seated. We will
10 get started shortly. I apologize for being late. It
11 has been happening all day long.

12 Mr. Cassidy, will we be hearing from you
13 first?

14 MR. CASSIDY: I am in the Board's hands,
15 Madam Chair, whether you wish to deal with the scoping
16 session or the matter raised by Ms. Seaborn. It
17 doesn't matter to me.

18 MADAM CHAIR: Why don't we hear
19 submissions on your reply evidence first and then we
20 will go into the scoping session on MNR's reply
21 evidence.

22 MR. CASSIDY: That's fine. Do you wish
23 to hear from me first or Ms. Seaborn?

24 MS. SEABORN: I am prepared to go ahead,
25 Madam Chair. We did raise the initial objection, so it

1 would probably be appropriate for me to put on the
2 record our concerns with the evidence and let Mr.
3 Cassidy respond.

4 MADAM CHAIR: Will there be any other
5 parties speaking to this issue?

6 Mr. Lindgren?

7 MR. LINDGREN: Yes, Madam Chair.

8 MADAM CHAIR: Mr. Freidin?

9 MR. FREIDIN: I may have a few brief
10 remarks.

11 MADAM CHAIR: All right. Why don't we
12 start with Ms. Seaborn, hear from Mr. Lindgren, Mr.
13 Freidin and then Mr. Cassidy.

14 MR. CASSIDY: Certainly.

15 MS. SEABORN: Madam Chair, just before we
16 begin, does the Board have in front of it its September
17 16th, 1988 ruling?

18 MADAM CHAIR: Yes, we do.

19 MS. SEABORN: Madam Chair and Mr. Martel,
20 I will try and make these submission as brief as
21 possible.

22 Quite simply put, it is MOE's position
23 that the OFIA witness statement dated February 15th,
24 1992, is not proper reply evidence in light of the
25 Board's ruling dated September 16th, 1988.

1 Accordingly, we are requesting that the Board deny the
2 OFIA leave to call this evidence in reply.

3 Now, the bases for our objections is
4 really quite straightforward. First of all, the OFIA
5 is not the proponent and, accordingly, does not have a
6 general right of reply. This position was dealt with
7 by the Board in its September 16th, 1988, ruling and it
8 is our submission that that point should not be
9 reargued today.

10 The second point is that the evidence the
11 OFIA proposes to file with the Board does not, in my
12 submission, fall within the ambit of paragraph 5(e) of
13 the Board's September 16th, 1988, ruling.

14 Paragraph 5(e) is found on page 9 of the
15 Board's ruling. That paragraph of the ruling
16 prescribes the conditions under which the OFIA would be
17 entitled to seek leave of the Board for their limited
18 right of reply which was granted on September 16th,
19 '88.

20 Now, it is our submission that the
21 Industry's right of reply is limited to responding to
22 allegations of specific activities by specific
23 companies which were not set out in the summary of
24 issues related to member companies that were circulated
25 in advance of the OFIA evidence.

1 Now, the Industry indicated to the Board
2 in a letter dated April 13th, 1992, from Mr. Cassidy
3 that it would not be filing reply evidence subject to
4 hearing the evidence of the Ministry of the Environment
5 and the Board then heard the ministry's evidence the
6 week of April 27th and it is our position that there
7 was nothing in the evidence put forward by the Ministry
8 of the Environment that can be said to amount to
9 allegations with respect to the OFIA member companies
10 that would trigger the OFIA's limited right of reply.

11 Now, during the argument of the September
12 16th, 1988, motion counsel for FFT opposed the OFIA's
13 application for general right of reply and offered a
14 solution to concerns that counsel for the OFIA had
15 raised at that time and that solution was based on a
16 procedure used in the Dubin inquiry.

17 The Board will recall that Mr. Castrilli
18 suggested that in that inquiry they had allowed
19 companies to respond in a limited way to specific
20 allegations and the Board referred to Mr. Castrilli's
21 suggestion at page 5 of the September 15th -- September
22 16th, 1988, ruling.

23 In the Dubin inquiry, what was said was
24 that when specific allegations were made with respect
25 to particular companies on particular dates regarding

1 specific events reply evidence was permitted by these
2 companies.

3 It is our submission that the evidence
4 led by MOE to which the OFIA seeks to respond in no
5 way, shape or form could be said to amount to evidence
6 that alleged that company "x" on a particular day did,
7 for example, dump sediment into a stream.

8 It would be that sort of evidence that in
9 my submission the OFIA would be entitled to reply to if
10 they had not received notice of that allegation in
11 advance of filing their evidence or calling that
12 evidence.

13 Accordingly, it is our position that the
14 very nature of the MOE evidence itself is grounds for
15 the Board to determine today that the Industry should
16 not be entitled to respond, but I would like to take a
17 moment and just look at the evidence the OFIA now seeks
18 leave to file with the Board and to call on next week.

19 Now, behind Tab 1 of the OFIA evidence in
20 reply there is a section set out on full tree harvest/
21 chipping and this evidence is prepared by Mr. Roll.

22 Now, the Board will recall that Mr. Roll
23 was a witness for Industry during its harvest panel,
24 which was its Panel 6, and in reviewing that witness
25 statement, the Panel 6 harvest witness statement which

1 the Board heard, I would like to draw the Board's
2 attention to the fact that the OFIA did have a section
3 dealing with the development of harvesting equipment,
4 and in that witness statement they said in a footnote
5 at page 31 of their Panel 6 evidence that:

6 "Additional types of harvesting equipment
7 used by the Industry within the area of
8 the undertaking are described in Appendix
9 A to the statement of evidence."

10
11 Then at page 82 and 83 of that evidence
12 they refer to various types of equipment including
13 portable chippers and debarker/chipper.

14 Now, it is our position that Industry in
15 calling its evidence on harvest did not choose at that
16 time to deal with the environmental effects of full
17 tree harvest or full tree chipping and at this time are
18 stopped from calling that sort of evidence in reply.

19 You will recall that MOE's evidence in
20 respect of full tree chipping and full tree harvest was
21 centred around our proposed term and condition 21(c)
22 which is referred to by Mr. Roll in the witness
23 statement, and in that term and condition MOE does not
24 make any suggestion with respect to certain types of
25 equipment that should be banned in the area of the

1 undertaking. Rather, the Board has heard evidence
2 about the concern we have about a use of harvesting
3 methods on certain site types.

4 Now, in part 2 of the witness statement
5 evidence is put forward by Dr. Methvan. Now, Dr.
6 Methvan was a witness, again, for OFIA during its
7 evidence. He was a witness I believe on at least two
8 panels and he was certainly on the harvest panel.

9 It is my submission that while this
10 section of the witness statement is couched as being in
11 response or in reply to the MOE evidence, what it
12 really does it revisit issues that have been at the
13 forefront of this hearing, at least since MNR's Panel 9
14 evidence, when issues were raised by Mr. Armson and
15 then again in Panel 10 by Mr. Greenwood with respect to
16 harvest issues and in particular nutrient depletion.

17 Now, in Section 2, Dr. Methvan critiques
18 MOE's interpretation of the Timmer, Savinksi and Marek
19 report and, again, comments on MOE's proposed terms and
20 conditions with respect to nutrient depletion.

21 I would like to draw the Board's
22 attention to the fact that the adoption of the
23 recommendations in the Timmer, Savinski and Marek
24 support have been urged upon the Board as far as back
25 as January 1990 when we first filed our draft terms and

1 conditions.

2 The Industry's case started in February
3 of 1990. So it is our submission that if the Board
4 feels that this sort of evidence falls within the
5 limited right of reply, then the Industry had notice of
6 MOE's position with respect to nutrient depletion in
7 advance of them calling their evidence, in any event.
8 On that basis, because they are not the proponent, they
9 should not be entitled to reply to that.

10 So with respect to Section 2, Dr. Methvan
11 cannot, in our submission, be permitted to reargue
12 these issues on behalf of industry.

13 I should also point out that items such
14 as the inclusion of PF and PFR be listed on the values
15 map and that silvicultural effectiveness be reported by
16 working group, site type and silvicultural package were
17 all matters that MOE addressed in its original draft
18 terms and conditions dated January 1990. So those
19 matters can hardly be said to be new.

20 Now, in part 3 of the witness statement,
21 the OFIA proposes to have Mr. Munro and Mr. Fry
22 reattend to address certain planning issues and again
23 address MOE's term and condition 21(c) which is derived
24 from the Timmer, Savinski and Marek report.

25 With respect to part 3, I essentially

1 make the same comments that I made in respect to part
2 2. First of all, the issue aren't knew. The MOE
3 evidence to which these witnesses are proposed to
4 respond to is not evidence within the ambit of the
5 September 1988 ruling; and third, both Mr. Munro and
6 Mr. Fry dealt with planning matters extensively in
7 their Panel 10 evidence. Mr. Campbell cross-examined
8 Mr. Fry and Mr. Innis on mapping and prescriptions and
9 silvicultural effectiveness was also an issue that MOE
10 raised on a number of occasions with Industry
11 witnesses.

12 My final submission, Madam Chair, in
13 respect of this matter is that the Industry, like any
14 other party, is entitled to submit argument at the end
15 of the case. There is considerable evidence on the
16 record in respect of all the matters raised by Industry
17 in the witness statement and, in our submission,
18 argument is the proper way for an intervenor to deal
19 with the evidence of other intervenors.

20 If it were otherwise, hearings would
21 never end as each party would continually request an
22 additional opportunity to respond to concerns that were
23 raised by other intervenors.

24 One of my roles in this hearing I believe
25 as counsel to the Ministry of the Environment has been

1 to try to assist in ensuring that the hearing process is
2 not abused. It is my client's firmly held view that to
3 allow this evidence to go in would amount to an abusive
4 process and would be in direct contravention of the
5 Board's own ruling dated September 16, 1988.

6 In our submission that matter was dealt
7 with at that time. It was fully argued by all parties
8 and carefully considered by the Board and should not be
9 raised again in terms of opening up a general right of
10 reply at this juncture of the hearing.

11 Subject to any questions from the Board,
12 those are our submissions with respect to the evidence.

13 MADAM CHAIR: Ms. Seaborn, before we ask
14 Mr. Lindgren if he has anything to add to what you have
15 already said, could you tell the Board how the hearing
16 process is to accommodate new information?

17 For example, when you are in a very long
18 hearing, as this one has unfortunately turned out to
19 be, the world changes, new harvesting methods become
20 available. Perhaps the Board has heard about these
21 matters before, but they don't have complete evidence
22 and they want more information about it, and however
23 that happens the Board wants that kind of information.

24 Argument hardly seems to be the place to
25 provide that and this Board, because the hearing has

1 taken such a long time, is very concerned that in its
2 decision it base its decision on up-to-date facts and
3 information.

4 We would look pretty silly, for example,
5 not referring to changes in full tree harvesting and
6 chipping technology even though at the beginning of the
7 hearing it wasn't as important as it became during the
8 hearing, and how does the Board handle that kind of
9 information?

10 MS. SEABORN: I think, Madam Chair, Mr.
11 Martel, you have to date handled that through your
12 series of interrogatory questions on statistical
13 information. You have asked the Proponent and Industry
14 to update you in a number of areas.

15 I think generally it is the
16 responsibility of the Proponent to provide that sort of
17 additional information if the Board requires it because
18 it is the Proponent that would normally - and MNR in
19 this particular hearing - put forward the evidence in
20 reply.

21 So I would say the onus would be on the
22 Proponent. The Board can ask for that information and
23 the Board should ask for that information, but I would
24 say it is the Proponent's obligation to bring that
25 forward.

1 MADAM CHAIR: Well, certainly Mr. Martel
2 and I are hopeful that we have asked the questions that
3 we are going to need at the end of the day when we
4 consider everything and make a decision.

5 Obviously, there are some matters that we
6 don't know about. We don't know what takes place in
7 the field with respect to operations day to day or week
8 to week.

9 The onus on the Board to ask the right
10 questions can go so far, but when situations change and
11 something new is happening the Board has to be told
12 that.

13 MS. SEABORN: I think really the only
14 comment that I can offer to the Board is that I would
15 say in the normal course it would be something that the
16 Board would have to seek from the Proponent and have
17 the Proponent's response because they are the ones that
18 are going to be bound by the terms and conditions at
19 the end of the day.

20 MR. MARTEL: But the Proponent isn't
21 operating the equipment out there in this instance as
22 part of the information package they want to present.

23 The Proponent is offering in one of its
24 terms and conditions a major study on precisely the
25 issue of the three items before us. There is a major

1 study on that issue.

2 You have got terms and conditions that
3 are quite restrictive, according to MNR, but to meet
4 the concern -- one of the industries has put some
5 equipment out there that is doing that. Why would a
6 Board not want to hear about that that from the people
7 who are operating it firsthand?

8 I mean, MNR is going to have to go and
9 get it from the Industry.

10 MS. SEABORN: I think there has been
11 evidence -- the Industry is primarily operating the
12 equipment, but whatever they operate they have to
13 operate within -- they are going to have to operate
14 within the terms and conditions of the approval, and
15 certainly MNR and the Industry throughout this hearing
16 have put forward a number of positions that have been
17 very similar or, in fact, identical on many topics and
18 it would seem to me that on some of the issues that MOE
19 raised in its evidence it is quite clear that they are
20 going to be responded to by MNR in the context of their
21 reply.

22 Now, that does not stop the Board from
23 asking the Industry for further information, the way it
24 has done in the form of interrogatories, but I think
25 the Board asking the question and having the Industry

1 respond to the question is different than allowing any
2 party to the hearing an opportunity to essentially
3 reargue a portion of their case in front of you. I
4 think that's the only distinction that I can make.

5 MR. MARTEL: But I'm not sure it's a case
6 of arguing their evidence before us.

7 Maybe the Board simply wants to know in a
8 very detailed way how this equipment works. I mean, we
9 are talking about relevant information based on what's
10 happening out there today.

11 I mean, if we had been two years ago --

12 MS. SEABORN: But that --

13 MR. MARTEL: Let me finish. If we had
14 been at the place where we are now with the use of that
15 equipment at the time it was brought up in the hearing,
16 in 1990 I guess it was, we might have got a full
17 explanation of how that stuff works, particularly - I
18 am talking about Tab 1 only. I'm not talking about the
19 other stuff, Ms. Seaborn. I'm talking about Tab 1
20 information - I suspect it would have got a good deal
21 explanation as to precisely how it works and I don't
22 know.

23 As we saw, the equipment was being used
24 and presented by MNR, it had full detailed explanation
25 of equipment and how each of these worked which is, in

1 my opinion, what this Board is all about.

2 Are we there to try to make a decision
3 without the latest information on which there is going
4 to be a study that's going to last 10 or 20 years
5 anyway to see if we are getting nutrient back into the
6 forest? It seems to me you are cutting your knows off
7 despite your face to not want that material before us
8 in the most convenient way to the Board.

9 MS. SEABORN: I understand that, Mr.
10 Martel. I think the only distinction I would make is
11 it is one thing for the Board to request from a party
12 additional information or specific explanations --

13 MR. MARTEL: We didn't know it existed
14 either. Quite frankly, I wasn't aware it was there and
15 maybe that's an oversight, but with that volume of
16 material before us and the tremendous research staff we
17 have available to us we missed it, despite that.

18 Now that it's there it seems to be silly
19 not to want to look at it. My concern is to be using
20 the best information with respect to a decision that my
21 colleague and I have to make.

22 MS. SEABORN: I don't disagree with that,
23 Mr. Martel.

24 MADAM CHAIR: Okay, thank you, Ms.
25 Seaborn.

1 MS. SEABORN: Thank you.

2 MADAM CHAIR: Mr. Lindgren, do you have
3 anything to add to Mr. Seaborn's comments?

4 MR. LINDGREN: Yes, I do, Madam Chair.

5 I would like to indicate for the record,
6 Madam Chair, that FFT fully supports the MOE position
7 on this matter and we strongly oppose the introduction
8 of the proposed reply evidence from the Industry.

9 I will be brief, Madam Chair. I find
10 myself in complete agreement with the submissions made
11 by Ms. Seaborn and in particular I agree with her view
12 that the Board's previous ruling on this matter clearly
13 indicates that what the OFIA has is a very limited
14 right of reply, and the Board's previous ruling is
15 quite apparent. The last line of paragraph 5(e) says:

16 "Any such limited right of reply, if
17 granted, shall be confined to only those
18 allegations of the nature referred to
19 above."

20 It doesn't give them a general right of
21 reply to respond to issue raised by other parties
22 subsequent to the OFAH. It gives them the opportunity
23 to respond to company specific allegations of bad
24 practice. That's what the Board's previous order
25 contemplates. To let in this kind of proposed evidence

1 will require you to disregard or amend your own
2 previous ruling and I suggest to you there is no
3 necessity to do so. There is no compelling need to
4 overturn your previous ruling. The ruling is fair and
5 it is reasonable.

6 Now, you might recall that Forests for
7 Tomorrow did present the Industry with company specific
8 allegations. We alleged certain practices on certain
9 management units and so forth and there was a great
10 kerfuffle about that some time ago. It is interesting
11 to note that none of those allegation are responded to
12 in the proposed reply evidence.

13 What the Industry is proposing to do is
14 take a second kick at the can. They have had the
15 opportunity to call evidence on full tree chipping and
16 on silvicultural prescriptions and so forth. In fact,
17 did call evidence on that from the same people they
18 want to call again.

19 Madam Chair, we have to draw the line.
20 They cannot be permitted to call this evidence. It
21 goes far beyond the parameters of the ruling made by
22 this Board and I agree completely with Ms. Seaborn,
23 that the Industry is not in the same position as the
24 MNR, it does not have a general right of reply.

25 I would further agree with Ms. Seaborn

1 that there is nothing in the MOE's evidence that can be
2 characterized as company specific allegations of bad
3 practice and for that reason the MOE evidence cannot be
4 used as the trigger for this kind of evidence.

5 Finally, Madam Chair, on the issue of new
6 information, I again find myself in complete agreement
7 with Ms. Seaborn. There are ways and means for this
8 Board to avail itself of the most current information,
9 and Ms. Seaborn has identified a few of those for you.

10 I think it is interesting to note that
11 FFT called its evidence over two years ago. There are
12 other developments, other evidence that we would like
13 to call and present to the Board. Some things have
14 changed and we would like to apprise the Board of that,
15 but we realize now that the only way to do that is
16 through cross-examination. I would suggest to you that
17 is the way that the Industry can get this evidence in,
18 if it likes.

19 If the Board finds it necessary to update
20 itself on this kind of evidence from one party, I
21 suggest it would be unfair to say no other party can
22 call evidence on it. We would think about seeking
23 leave from this Board to call further and better
24 evidence on full tree chipping and some of the other
25 issues that the Board requires further information on.

1 Madam Chair, this is the very issue that
2 Ms. Seaborn identified that turns the process into a
3 never-ending ordeal to the extent that it already is
4 not a never-ending ordeal.

5 In conclusion, Madam Chair, it is our
6 view that the proposed reply evidence cannot be
7 admitted as reply evidence. It is improper and it is
8 inadmissible as reply evidence and, in our view, it is
9 fundamentally unfair to allow one party to call this
10 kind of evidence at this very late stage of the
11 hearing.

12 For those reasons, we would suggest to
13 you and request very respectfully that this evidence
14 not be allowed in its entirety.

15 Those are my submission, Madam Chair.

16 MADAM CHAIR: Thank you, Mr. Lindgren.

17 Mr. Freidin?

18 MR. FREIDIN: Madam Chair, I am not
19 rising to make submissions in support of or in
20 opposition to either of the positions being taken, I
21 will leave that matter to the Board, but just some
22 general observations.

23 Firstly, I don't think the Board is bound
24 by its earlier decision. It is not bound by any
25 earlier decision which is clearly a matter of

1 procedure. So if the Board in its discretion feels
2 that things have changed, that there are circumstances
3 which justify exercising its discretion differently,
4 then I don't think the Board should hesitate to do
5 that.

6 The issues which are raised by the
7 Industry in their reply witness statement are certainly
8 issues which are of importance to the hearing. The
9 Board has certainly indicated that through its own
10 interrogatories to the Proponent.

11 I understand the evidence is going to be
12 short. The length of time that it is going to take for
13 this evidence to proceed I submit is one factor that
14 you might want to consider in arriving at your
15 decision.

16 In some cases, and this is probably the
17 most important one, some of the information that is
18 being put forward in which I have indicated that the
19 Board has indicated is relevant is information which
20 really information that Industry has. It is the
21 Industry that's out there carrying on most of these
22 harvesting activities. It is the Industry which is the
23 best source of information as to what this technology
24 is and how much it is being used.

25 In terms of the planning evidence, Ms.

1 Dahl said to me in cross-examination that if one wanted
2 to determine what was practical in terms of time and
3 cost, in terms of planning that someone who is involved
4 in that on a regular basis would be a good person to
5 rely upon and perhaps their evidence should be given
6 more weight.

7 The Industry are in a unique position in
8 this hearing in comparison to perhaps other intervenors
9 in other hearings and that is that they in fact carry
10 out the activities for which approval is being sought.
11 Those activities are not carried out solely by the
12 Proponent.

13 It seems to me that if the Board feels
14 that hearing about the practicality of planning matters
15 in terms of time and cost is useful if it is received
16 from those who are involved in that planning and
17 implementation, then the Industry is providing an
18 opportunity to provide the sort of evidence that Ms.
19 Dahl indicated perhaps should be given more weight than
20 hers.

21 Just one other general proposition. I
22 think that the Board should consider when making its
23 determination as to the extent to which the Industry
24 could have anticipated the specific positions taken by
25 parties and in particular the focus that those

1 positions took in their cases.

2 If, for instance, chipping was a minor
3 matter four years ago or two years ago and did not form
4 much of the cross-examination, it was not much of an
5 issue, the Board I think would want to ask itself
6 whether the parties seeking reply in relation to that
7 matter should have anticipated the position to be taken
8 two years in the future and led more extensive evidence
9 on that matter.

10 Those are my submissions.

11 MADAM CHAIR: Thank you, Mr. Freidin.

12 Mr. Cassidy?

13 MR. CASSIDY: Thank you very much, Madam
14 Chair, Mr. Martel.

15 Like Ms. Seaborn, I wish to be brief and
16 my submissions will forms two essential parts.

17 First of all, my first submission will be
18 that the evidence that is sought to be introduced by
19 this reply witness statement does fall within the terms
20 of the order dated September 16th, 1988; and secondly,
21 in any event the Board should admit this evidence
22 because it is relevant, cogent and deals directly with
23 practical matters raised by the Ministry of the
24 Environment.

25 If I might turn to the first submission;

1 that is, that the evidence does fall within the terms
2 of the September 16th order, I would like to deal first
3 of all and briefly with the evidence of Mr. Roll and
4 Dean Methvan.

5 In my respectful submission the evidence
6 in their witness statements respecting full tree
7 harvesting and latterly the chipping and the
8 acidification effects that are alleged to be caused by
9 it were issues discussed by the Ministry of the
10 Environment and those issues are related to an Industry
11 practice.

12 Full tree harvest by definition, in my
13 respectful submission, is a practice which is carried
14 on by the Industry and there was evidence led by the
15 ministry about that, the Ministry of the Environment,
16 and Mr. Roll and Dean Methvan's evidence directly is
17 responsive to the ministry's evidence on that practice.
18 Therefore, I submit it falls within the terms of the
19 September 16th order.

20 The evidence of Mr. Munro and Mr. Fry,
21 which for your reference is the third tab in the
22 witness statement, in my respectful submission deals
23 with evidence and is responsive to the evidence led by
24 Mr. Bax and Ms. Dahl on silvicultural planning
25 practices.

1 In my respectful submission this Board
2 has found that planning is part of the undertaking and
3 a great deal of the thrust of the Ministry of the
4 Environment's evidence was that the current planning
5 practices by the Ministry and the Industry are
6 insufficient and inadequate; for example, in the area
7 of silvicultural prescription, planning and documenting
8 and Mr. Munro and Mr. Fry respond to that evidence:

9 I would like to briefly conclude this
10 section of my submissions by referring to the comments
11 made by both Ms. Seaborn and Mr. Lindgren with respect
12 to this issue of specificity of Industry's specific
13 companies or Industry's specific practices.

14 That is not my client's understanding of
15 the order of September 16th, 1988, and in fact when I
16 look back at the transcript of Volume 48 that issue was
17 raised before the previous Chairman by Mr. Williams,
18 and for your reference it is found at page 8157 of that
19 transcript for September 16, 1988.

20 In that reference the Board chairman said
21 in response to Mr. Williams -- Mr. Williams stated when
22 he was referring to the paragraph 5(e) on page 9 of the
23 September 16th order, Mr. Williams suggested that it
24 would relate to matters where allegations of
25 inappropriate and environmentally unsound timber

1 management practices are made against those member
2 companies. The Chair at that time said:

3 "The Board considered that and gave it
4 serious consideration. We are of the
5 view that there are situations where
6 parties may make a generalized allegation
7 against member companies as well as
8 specific allegations of the specific
9 incident, and it is our view that the
10 OFIA should acquire notice to the extent
11 that it is possible without forcing the
12 parties to file witness statements in
13 advance."

14 Then on the next page, Mr. Williams
15 pursued that point, on page 8159, and suggested:

16 "In case where allegations using the
17 terms that have been used throughout all
18 the argument before it would remain..."

19 And the Chair said:

20 "It may not be a specific allegation.
21 What we are looking for here is to allow
22 the OFIA reasonable opportunity to
23 respond to the case against them."

24 So I submit that in fact the order of
25 September 16th relates to Industry-wide practices which

1 full tree harvesting and, according to Mr. Seaborn's
2 evidence, is an Industry-wide practice and as a result
3 I submit that that evidence is of all of these
4 witnesses who are responding to Industry-wide
5 practices.

6 In any event, it is clear I submit from
7 the terms of the order itself and the transcript that
8 that was the intention of the Board at the time.

9 I would also, therefore, like to move on
10 to the second part of my submissions and that is, in
11 any event the Board should admit this evidence for its
12 relevance and because it responds to the Ministry of
13 the Environment.

14 I think we have heard some discussion
15 from yourself, Mr. Martel, and Mr. Freidin in this
16 regard and I have four points to make in respect of
17 this submission.

18 The first being that the witness
19 statements that are proposed to be led provide the
20 practical and current explanation of what my client
21 believes are some of the frailties of the Ministry of
22 the Environment's positions.

23 Secondly, the Board has decided already
24 that this type of current practical evidence is
25 appropriate to have, and I do refer you to your Board

1 interrogatories; for example, several interrogatories
2 asking for updates, asking for the current situation in
3 respect of the impact, the practical impact on my
4 clients of some of the proposals that have been put
5 forward before the Board.

6 For example, I would refer you to your
7 interrogatories, No. 4, where you asked:

8 "What would be the effect on regeneration
9 done by OFIA members if funding were
10 reduced or eliminated?"

11 Your interrogatory No. 5:

12 "What are the implications for OFIA
13 member companies of decreasing and
14 eliminating road payments?"

15 Another example is No. 10 where you asked
16 for detail of where and why the paper burden is
17 excessive and onerous.

18 I take the thrust of those questions to
19 be the Board is considering the evidence that has been
20 led by various parties and they are asking for the
21 practical implications of some of that evidence.

22 I submit that this type of reply evidence
23 which is being filed by the OFIA to the Board, in my
24 respectful submission, simply carries on that theme of
25 what are the practical implications of some of this

1 evidence.

2 I submit, like Mr. Freidin, that the
3 Industry is a unique position to do that, and Mr.
4 Jeffery noted that again at the bottom of 48, for your
5 reference page 8159 to 8160, and he said:

6 "The industry is not in a special
7 position, but they are certainly in a
8 different position from other parties to
9 the hearing..."

10 I submit it is for that reason that this
11 reply evidence should be admitted.

12 I would also note, as Mr. Freidin did,
13 that we are dealing with 20 pages of written material
14 and three and a half hours maximum of oral evidence
15 that is proposed to be led.

16 I submit this is not a floodgate
17 situation where there has been extensive reply evidence
18 filed by my client. In fact, I submit that unlike this
19 being an abusive process, in fact this is an example of
20 where reply evidence is whittled down to get to the
21 cogent, salient parts of the case and not deal with
22 what might otherwise have been dealt with on a rather
23 large scale.

24 For example, all of the allegations made
25 without notice of any kind at the various satellite

1 hearings against members of my client could have been,
2 for example, dealt with in reply evidence in
3 excrutiating detail. It was decided that in the
4 interest of getting this hearing finished and through
5 that it could be dealt with in other fashions, through
6 cross-examination, through other means, but
7 nevertheless we got down to reducing the reply evidence
8 down to what we felt was absolutely necessary for the
9 Board to make the most reasoned, practical, current and
10 right decision.

11 It is for that reason that all of the
12 three witness statements, again totalling some 20
13 pages, were put before you and for which we propose to
14 call reply evidence in Sudbury on a half day in June.

15 Those are my submissions.

16 MADAM CHAIR: Thank you, Mr. Cassidy.

17 The Board intends to take a short recess
18 and come back and make an oral ruling on this matter.

19 Ms. Seaborn?

20 MS. SEABORN: Madam Chair, if I could
21 just respond quickly to two points rasied by Mr.
22 Cassidy.

23 The first point is that with respect
24 to -- with due respect to Mr. Freidin and Mr. Cassidy
25 the length of this evidence or the fact it is 20 pages

1 is totally irrelevant to the decision the Board has to
2 make today.

3 The second point is that if the Board is
4 inclined to consider hearing further evidence on
5 Industry or equipment practices with respect to full
6 tree chipping, then it would be my submission that the
7 Board consider allowing MOE an opportunity to recall
8 Mr. Bax if necessary to give further information to the
9 Board in response to that evidence.

10 I would like the Board to consider that
11 in making their ruling.

12 MADAM CHAIR: Thank you, Ms. Seaborn.

13 How long will we be in the scoping
14 session this afternoon for MNR's reply witness
15 statements No. 1 and 2?

16 Do you have very much to say, Ms.
17 Seaborn?

18 MS. SEABORN: Ms. Gillespie will be
19 dealing with that portion of the evidence. We filed
20 our statement of issues. I think we will be very
21 brief.

22 MADAM CHAIR: Mr. Lindgren?

23 MR. LINDGREN: I am here to answer
24 questions, Madam Chair.

25 MADAM CHAIR: Are you the one who is

1 going to be dealing with MNR's reply evidence?

2 MR. LINDGREN: Yes, Madam Chair. I am
3 here to respond to any questions or clarifications that
4 Mr. Freidin may have with respect to the statement of
5 issues.

6 MR. FREIDIN: I have five questions of
7 clarification.

8 MADAM CHAIR: All right. Then the
9 scoping session will probably go along fairly quickly.

10 MR. LINDGREN: Madam Chair, if we are
11 going to take a break perhaps Mr. Freidin and I can
12 discuss it right now and expedite the matter.

13 MADAM CHAIR: We will take 20 minutes.
14 Thank you.

15 ---Recess at 4:05 p.m.

16 ---On resuming at 4:25 p.m.

17 MADAM CHAIR: Please be seated.

18 The Board has carefully considered the
19 submissions made today by counsel and we have decided
20 to hear the submissions from the Ontario Forest
21 Industries Association on their Tab 1 evidence dealing
22 with full tree harvest and chipping and the witness
23 identified to present that evidence is Mr. Roll.

24 The issue of full tree harvesting has
25 been in front of this Board as one of the most

1 important issues at the hearing from day one. We have
2 heard a great deal of evidence from all the parties on
3 this issue. We believe that this information dealing
4 with the technology is important for the Board to hear
5 and we intend to do that.

6 Furthermore, we believe that this type of
7 evidence having to do with an industry practice, in
8 this case being full tree harvesting, was contemplated
9 by our ruling of September 16th, 1988.

10 On the reply evidence described under
11 Tabs 2 and 3 of the OFIA's document, the Board does not
12 believe that this is proper reply evidence.

13 We had gone through this information in
14 some detail before today and we believe that the
15 comments on full tree harvesting and chipping effects
16 on nutritional status and acidification in Tab 2, as
17 well as the Tab 3 evidence on harvest restrictions is
18 information that was addressed by the OFIA in their
19 case. We believe that we have -- that there is no new
20 information generally in this material and, therefore,
21 we will not hear it in reply evidence.

22 A final matter that we were asked to deal
23 with was the Ministry of the Environment's request to
24 possibly recall Mr. Bax and we are going to deny that
25 request in today's ruling because we believe that the

1 evidence we do intend to hear falls within the Board's
2 September 16th, 1988, ruling.

3 MR. CASSIDY: Madam Chair, in light of
4 your ruling I can indicate that our reply evidence will
5 be approximately one hour and if that effects the
6 timing of the commencement of the MNR evidence I just
7 want to advise the Board of that timing.

8 MADAM CHAIR: Thank you very much, Mr.
9 Cassidy.

10 Mr. Freidin, you will be prepared to go
11 ahead on Monday in Sudbury with witnesses for Panel 1?

12 MR. FREIDIN: We are eager to finish.

13 MADAM CHAIR: Thank you, Mr. Freidin.

14 Are there any questions about the ruling?

15 MS. SEABORN: No, thank you, Madam Chair.

16 MADAM CHAIR: Thank you.

17 Why don't we go ahead then and do what we
18 planned to start a little earlier in the day and that
19 is to go through the Ministry of Natural Resources'
20 reply statements of evidence No. 1 and 2.

21 To begin, I assume that all parties have
22 received the Board's direction to the Ministry of
23 Natural Resources with respect to the information we
24 wanted to hear addressed in oral examination for the
25 reply evidence. That was conveyed by way of a letter

1 from Mr. Beram to Mr. Freidin.

2 MR. FREIDIN: While you are looking for
3 that, Madam Chair, I would like to thank the Board for
4 providing that information as quickly as they did and I
5 would also like to go on the record and thank Forests
6 for Tomorrow. They were the only party that were able
7 or decided to respond to my request and they did so in
8 an expeditious fashion. They provided us with some
9 sense of what they want to cross-examine on along the
10 same timing as the Board and we thank them for that.

11 MADAM CHAIR: Thank you, Mr. Freidin.

12 Mr. Beram, I have lost the letter. Was
13 the date May the 11th?

14 MR. FREIDIN: Yes.

15 MR. BERAM: Yes.

16 MADAM CHAIR: Thank you. The date of May
17 the 11th, 1992.

18 The Board has nothing more to say by way
19 of what we want to hear in oral examination in addition
20 to what was identified in that letter, except that we
21 do have questions that have been raised by submissions
22 made subsequently that we would like to have addressed
23 in MNR's reply evidence and we have some suggestions
24 about how that might be fitted into the four pieces of
25 reply evidence.

1 Some of these matters are issues or
2 concerns or problems or allegations raised by the OPSEU
3 submissions. Many of these matters are covered either
4 directly or indirectly by MNR's reply evidence and we
5 think that you will be able to help the Board by
6 responding to these matters in your reply.

7 Now, we can go through the questions that
8 we have now or we can hear from all the other parties
9 and get that out of the way first.

10 What do you want to do, Mr. Freidin?

11 MR. FREIDIN: We had our own little
12 scoping session and we straightened out all the issues
13 that I had so we won't take any time of the Board in
14 relation to that.

15 I had one question of clarification for
16 the Board in relation to a comment made about the
17 committee's report on the clearcutting costing
18 exercise. Perhaps we could just leave that to the end.

19 If you want to go through your issues and
20 subject to dealing with that one matter I think we will
21 be finished.

22 MADAM CHAIR: All right. Thank you, Mr.
23 Freidin.

24 I don't know if I have characterizes
25 these as our issues. What we would like is, for our

1 better understanding we would like MNR to respond to
2 some of the issues raised by OPSEU.

3 I am going to go through a list of those
4 and certainly would appreciate your sense of where they
5 might fit into your reply evidence and if they don't
6 how we could handle them separately perhaps by way of
7 interrogatories from the Board to the proponent.

8 Many of the issues raised by OPSEU or
9 many of the concerns they appear to raise in their
10 written submissions have to do with the process of
11 budgeting at MNR and the allocation of human and
12 financial resources.

13 The first question that the Board would
14 like MNR to respond to, and again because we have
15 received already a number of interrogatories from you
16 as well as great mounds of statistical information, the
17 answers to these questions may very well be before us
18 and it is just going to be up to you to point us more
19 directly to what you consider to be responsive to them.

20 Our first question has to do with OPSEU's
21 suggestion that somehow fewer trees are being planted
22 at greater cost under contracting out.

23 The OPSEU written submission referred to
24 a submission at the satellite hearings by Mr. Dan
25 Herisemu at the Espanola satellite hearing in which he

1 claimed that there was an unexplained 15 per cent
2 increase in cost because of contracting out. We would
3 like MNR to respond to that statement.

4 A second issue raised by OPSEU but also
5 discussed in OFIA's case has to do with the allocation
6 of spending on FMAs versus Crown management units and
7 company management units with respect to regeneration,
8 maintenance and tending.

9 We have your interrogatory responses 124,
10 132, 133 and 139 and address the reasons for spending
11 in FMAs, but it would be of great help to the Board if
12 we could see, if possible in tabular form, a breakdown
13 of spending by FMAs versus Crown management unit versus
14 company management units, and indeed we may have that
15 before us in some form.

16 MR. FREIDIN: Assuming for the moment
17 that can be done, we can give you an indication of how
18 much is spent by the Crown, if we can break it out, but
19 it won't give any indication of the total amount spent
20 on silvicultural on FMAs versus the Crown because the
21 Industry has spent a lot of money.

22 MADAM CHAIR: Yes, and we have the OFIA's
23 answer to an interrogatory with some information on
24 silvicultural spending by Industry. So we understand
25 that the information you give us is only spending by

1 the Crown.

2 MR. FREIDIN: And it is your thinking
3 that it is in tabular form comparing FMAs versus Crown?

4 MADAM CHAIR: Versus company.

5 MR. FREIDIN: On...

6 MADAM CHAIR: On silvicultural spending
7 generally, but the feeling -- the issue has been raised
8 that the Ministry of Natural Resources is spending more
9 money on FMA units for regeneration than they are on
10 non-FMA units and maintenance and tending.

11 MR. MARTEL: The figure was, I think,
12 that 85 per cent for FMA as opposed to 40 per cent
13 being spent on Crown management units and so on and
14 that leads to the not as good regeneration on Crown
15 management units as on FMAs and so on.

16 MS. BLASTORAH: Those figures you are
17 reciting, Mr. Martel, were within the OFIA's evidence?

18 MADAM CHAIR: No, they weren't.

19 MS. BLASTORAH: Sorry, within the OPSEU
20 evidence.

21 MR. MARTEL: The OPSEU evidence.

22 MADAM CHAIR: Yes. OPSEU's allegation is
23 that the MNR is spending less money on regeneration,
24 maintenance and tending on Crown and company management
25 units than they are on FMAs and somehow there is an

1 inequity in this with respect to spending.

2 MR. FREIDIN: I guess part of the
3 response if we are able to break it out this way would
4 be to perhaps communicate to the Board the differences
5 in the areas which are subject to activities on FMAs
6 versus Crown. To the extent they are different, you
7 would expect the numbers to be different.

8 MADAM CHAIR: That's right, and some of
9 that is explained already in those interrogatory
10 responses.

11 MR. FREIDIN: Okay, thank you.

12 MADAM CHAIR: A third matter raised in
13 the OPSEU evidence, but raised throughout our satellite
14 hearings is the question that could be put to MNR about
15 whether MNR intends to do anything to provide more jobs
16 to local residents in tree planting.

17 In the OPSEU written evidence or written
18 submissions there are statements made to the effect
19 that there is, in the words of OPSEU on page 22 of
20 their written submission, "a double standard in
21 enforcement" and the Board wishes to hear MNR's
22 response to this. A reading of page 22 suggests that
23 MNR applies more stringent enforcement against small
24 contractors than they do large companies.

25 With respect to issues about enforcement,

1 do you see that coming in part of reply statement No.
2 2, Mr. Freidin?

3 MR. FREIDIN: I think what I am going to
4 have to do is just reserve on where these items might
5 be most appropriately dealt with.

6 MADAM CHAIR: The Board has no
7 preference. We simply wanted to fit it in where there
8 are parts in the reply evidence that seem to touch on
9 these matters.

10 MR. FREIDIN: I understand from your
11 earlier comment that optional ways of providing this
12 information may be addressed either by way of a written
13 response or by a witness commenting on that issue; is
14 that right?

15 MADAM CHAIR: Yes.

16 MR. FREIDIN: Okay.

17 MADAM CHAIR: Related to that issue in
18 OPSEU's submission was the concern express by OPSEU,
19 and certainly one that we have heard from the OFIA and
20 the OLMA and that is that there have been some problems
21 with respect to having companies mark their own
22 cut-overs or reserve areas.

23 That has been addressed by MNR in some of
24 the interrogatories responses, but we would like MNR to
25 respond directly to that and you will find in the OPSEU

1 material that reference is made to the Blind River
2 situation for which we did receive an answer from MNR
3 previously in Exhibit 1480, but we need clarification
4 of that.

5 We don't understand where OPSEU's
6 statements fit in to the information we have in Exhibit
7 1480 nor in MNR's most recent interrogatory response.

8 MR. FREIDIN: By the most recent one, you
9 are referring to interrogatories in Panel No. 2 which
10 have the charts?

11 MADAM CHAIR: No, I am referring to one
12 of the 188 Board interrogatories.

13 MR. MARTEL: No. 148, I believe.

14 MADAM CHAIR: We think it might be Board
15 interrogatory No. 148, but we will have Mr. Pascoe do a
16 quick check for you.

17 Mr. Beram, do you have that?

18 MR. BERAM: Yes, Madam Chair.

19 MADAM CHAIR: Mr. Beram will get the
20 number of that interrogatory.

21 MR. FREIDIN: Madam Chair, perhaps you
22 should have an opportunity to look at the responses to
23 the interrogatories in Panel No. 2. There were some
24 questions you asked about the Blind River situation and
25 I believe there is further information in there.

1 Perhaps the nature of the specific
2 non-compliance -- there is some description of whether
3 it was significant or major or minor --

4 MADAM CHAIR: Didn't that apply to the
5 years 1990 and '91?

6 MR. FREIDIN: I don't know. I was
7 wondering whether -- if in fact you haven't looked at
8 that, if that addresses your response perhaps Mr. Beram
9 could get to us and say you have the response, that
10 will be helpful.

11 MADAM CHAIR: Okay. We will do that.

12 MS. BLASTORAH: Madam Chair, there is
13 Board interrogatory No. 148 which specifically deals
14 with MNR's involvement in marking reserve boundaries
15 and their experience in allowing Industry to marking
16 reserves.

17 I think Mr. Freidin is referring to a
18 different Board interrogatory that referred to Exhibit
19 1480 and the Blind River situation specifically.

20 MADAM CHAIR: Yes, and we have reviewed
21 both Exhibit 1480 and the Board most recent Board
22 interrogatory 148 and we still believe that we are
23 going to need some help in understanding this
24 particular matter.

25 What we will do so we don't get stuck on

1 it right now is we will have Mr. Beram clarify this and
2 all the parties will receive a letter if we can better
3 phrase our question.

4 MR. FREIDIN: The interrogatory I am
5 referring to in MNR reply Panel No. 2 if Forests for
6 Tomorrow No. 4 which --

7 MADAM CHAIR: That's one we haven't seen.

8 MR. FREIDIN: It provides some
9 information regarding the nature of the non-compliance,
10 the date and location of the non-compliance and the
11 penalties or charges, if any, laid by MNR in relation
12 to four districts. It is set out in a chart form.
13 That may provide the information that you want.

14 MADAM CHAIR: We will have Mr. Beram tell
15 you whether we need anything further after we have
16 reviewed that material.

17 MR. FREIDIN: Thank you.

18 MADAM CHAIR: Thank you.

19 Another allegation raised by OPSEU had to
20 do with whether -- on page 19 of their written material
21 and the effect of the allegation seems to be that in
22 some way the cost of silvicultural programs is less
23 than what the companies are reimbursed for by MNR.

24 That appears to our reading of page 19 to
25 be what OPSEU is saying and it obviously refers to FMAs

1 and we would like MNR to address that.

2 MR. FREIDIN: We may be simply saying
3 that the Industry indicated the situation otherwise and
4 we have no reason to doubt the legitimacy of the
5 revenues.

6 MADAM CHAIR: Thank you.

7 We received a lot of -- one thing we did
8 notice is that you have asked OPSEU directly about the
9 source of the NSR figure of 300,000 hectares and we
10 will wait to get their response to you on that matter.

11 With respect to Lucy Towers --

12 MR. FREIDIN: I'm sorry, what about NSR?
13 I didn't catch that.

14 MADAM CHAIR: You have asked OPSEU
15 yourselves for some information about where the 300,000
16 hectares of NSR -- what the source of that statement is
17 and we will wait to hear from them as to what they
18 respond. We are also interested in knowing that.

19 Lucy Tower spoke at some length when she
20 was here on behalf of OPSEU about the closure of the
21 Thunder Bay nursery.

22 The Board would like to hear from MNR the
23 reasons as to why the Thunder Bay nursery is being
24 closed, and one of the major concerns raised by Ms.
25 Tower was that there is some technology that was

1 developed at this nursery and she refers to it as G
2 plus 2 and T-square technology that she claims is
3 unique to the Thunder Bay nursery and will cause some
4 significant loss if the Thunder Bay nursery is closed.
5 We would like MNR to respond to that.

6 We also note that MNR has asked OPSEU
7 directly another question that we had for them and that
8 is where they got results on the success rates of
9 various kinds of bareroot and container stocks, as
10 reported by Ms. Tower. So we will be interested in
11 hearing their response to your question.

12 On the matter of the structure and
13 organization of the Ministry of Natural Resources, and
14 you discuss this in your reply evidence four, No. 4,
15 OPSEU appears to be taking the position in their
16 written submission to us that MNR's reorganization is
17 not addressing the issue of putting more foresters and
18 biologists and technicians into the field.

19 We have obviously heard lots of
20 submissions in this long hearing about the importance
21 of having Ministry of Natural Resources people working
22 in the field and not strapped to their desks and many
23 of those submission have come from your own witnesses
24 and OPSEU is expressing their concern that
25 reorganization is not going to achieve that as well and

1 we would like MNR to respond to that.

2 MR. FREIDIN: Is that a reference to Mr.
3 McAlpine's evidence?

4 MADAM CHAIR: You will find some of that
5 on page 38 of OPSEU and Mr. McAlpine had lots of things
6 to say, but I believe that is not attributed to a
7 specific -- one person to whom that statement is
8 attributed is Mr. Dennis Wilson and one MNR planning
9 staffer who does not wish to be identified. That is
10 page 37 and page 38. Mr. McAlpine followed with
11 complaints about the paper burden.

12 MR. FREIDIN: Okay.

13 MADAM CHAIR: If we haven't stated those
14 questions in a completely comprehensible way we are
15 going to ask you to get in touch with Mr. Beram and if
16 he can help in anyway he will.

17 I think that some of these issues that we
18 have raised you have given us evidence in various
19 places about them, but it would be of great assistance
20 to us to have those identified specifically with
21 respect to these matters.

22 You have something you want to ask the
23 Board, Mr. Freidin?

24 MR. FREIDIN: Yes. On page 3 of your May
25 the 11th letter in relation to reply witness No. 2 you

1 made reference to the topic of silvicultural costs and
2 effectiveness for wood supply. It is basically the
3 committee's report. You make a comment that:

4 "The Board expects this topic will be
5 dealt with in reply, but would like to
6 limit it to matters raised in the reply
7 evidence not to the entirety of the
8 report."

9 I am wondering if you could just give me
10 and perhaps the people who are going to cross-examine a
11 little bit better sense of what your concern is so we
12 can take that into account when cross-examining.

13 MADAM CHAIR: Well, what we have found,
14 Mr. Freidin, and we have gone very carefully through
15 the silvicultural cost comparison study that was
16 submitted some months ago, we believe that the major
17 results of those studies are presented in a very
18 succinct fashion in your reply evidence with respect to
19 the interpretation you have put on those results.

20 The Board doesn't want to get into
21 lengthy cross-examination with respect to arguing about
22 assumptions. We have in front of us very clearly
23 stated the interpretation of that evidence by at least
24 four consultants or people nominated by the parties to
25 take part in that exercise and we don't want to spend

1 long periods of time arguing assumptions and very
2 fundamental disagreements about what that evidence
3 means.

4 We feel that it is addressed in as much
5 detail as we wish to hear in your reply evidence and we
6 fully expect the parties to cross-examine on that. We
7 are not going to limit any cross-examination of that
8 matter, but nor are we going to go back and revisit
9 every page of that study. I think we could find
10 ourselves in a very long and circular sort of
11 cross-examination if we go back and take that apart,
12 that report apart piece by piece.

13 MR. FREIDIN: I can just indicate that it
14 is MNR's view that the reply witness statement where in
15 fact it reports the conclusions of the study of the
16 committee regarding costs and regarding the wood
17 supply, that those are reporting the results of the
18 committee. Those are not Mr. Waits conclusions.

19 MADAM CHAIR: Yes, and the Board
20 appreciates that and, of course, we have read those
21 conclusions in connection with the interpretation of
22 the individual authors.

23 MR. FREIDIN: I should probably advise
24 the Board of the timing. We had a little discussion
25 about timing. It doesn't look like the timing is going

1 to change a lot. We still think we are going to be --
2 we are going to estimate a day for one and a day for
3 two. It may spill over a little bit and it may be a
4 little shorter.

5 The estimates which were given to me this
6 afternoon from the Ministry of the Environment was one
7 to two hours per panel, probably on the lower side of
8 that. The estimates given to me by Forests for
9 Tomorrow is one to two hours on Panel 1 and half a day
10 on Panel 2.

11 MR. LINDGREN: That's the worst-case
12 scenario, Madam Chair. I expect to be much shorter
13 than that.

14 MADAM CHAIR: Thank you.

15 MR. FREIDIN: We don't know whether OFAH
16 is intending to do any cross-examination, and I assume
17 that you haven't heard from them.

18 MADAM CHAIR: Mr. Pascoe?

19 MR. PASCOE: No, we haven't heard from
20 them.

21 MADAM CHAIR: I thought the last time we
22 discussed the reply evidence there was a pretty clear
23 indication from Mr. Hanna that they wouldn't be doing
24 any cross-examination.

25 MR. FREIDIN: He said that if they had to

1 choose one panel it would probably be Panel 3, but
2 other than that I haven't heard from him.

3 The only other matter I would just like
4 to put on the record is the information sent out in my
5 letter of May the 22nd, 1992, to full-time parties
6 regarding how some evidence is going to be shifted
7 around from one panel to the other. I discussed that
8 with the parties here today. I explained to them the
9 reasons for that and they have no objection to that.
10 So they will be saving their cross-examination.

11 We have done that to try and put all the
12 evidence in terms of, say, site productivity in one
13 place, all the evidence about clearcuts in one place.

14 So there has been no objection raised by
15 the parties so I am assuming that we will just proceed
16 in that fashion.

17 MADAM CHAIR: I don't remember seeing
18 that correspondence. Did I get a copy of that?

19 MR. FREIDIN: It was sent to all
20 full-time parties with a carbon copy to the Board, so
21 you should have. I will get a copy to Mr. Beram now.

22 MADAM CHAIR: I don't think the Board has
23 any objections if the Proponent and the parties agree
24 as to the order of the evidence.

25 MR. FREIDIN: I think it will be a little

1 bit more orderly. We won't be dealing with the same
2 issue in two panels.

3 MADAM CHAIR: All right. How much do you
4 think we can get accomplished next week in Sudbury?

5 MR. FREIDIN: Well, I am just going by
6 the estimates. Assuming OFIA take an hour there is an
7 outside chance, based on the estimates, we will be
8 finished with Panels 1 and 2 next week.

9 We are sitting four days, right?

10 MADAM CHAIR: Yes.

11 MR. FREIDIN: Based on those estimates we
12 might finish one and two next week.

13 MADAM CHAIR: All right. Mr. Pascoe,
14 when are we starting on Monday?

15 MR. PASCOE: Right now we are planning to
16 start at 11 o'clock on Monday and Mr. Cassidy indicated
17 that he will be done by noon.

18 MADAM CHAIR: Mr. Martel thinks that we
19 should sit a full day on Monday. If we start at 11...
20 ---Discussion off the record

21 MADAM CHAIR: We will see on Monday. We
22 could start sitting -- we will start at eleven on
23 Monday and we will sit later Monday and take a shorter
24 lunch.

25 As to when we are going to sit, why don't

1 we decide when we get up there and see what kind of
2 progress we are making and how tired we are and the
3 witnesses are and so forth.

4 MR. FREIDIN: I was reading the
5 transcript of OFIA Panel 8 and Mr. Martel suggested
6 that if we showed up on Sunday he would buy us all
7 breakfast. Does that still stand, Mr. Martel?

8 MR. MARTEL: Sure.

9 MADAM CHAIR: If everybody is in favour
10 of going up Sunday night I suppose we could get a very
11 early start on Monday.

12 Is that what you are suggesting, Mr.
13 Freidin?

14 MR. FREIDIN: No, I am not suggesting
15 that. I am just trying to...

16 MS. GILLESPIE: Madam Chair, if it is
17 helpful MOE will be cross-examining on the OFIA
18 evidence. We anticipate it won't be more than an hour.

19 MADAM CHAIR: All right. Hopefully we
20 can make good progress next week and it would the hope
21 of the Board if we could get finished the two pieces of
22 reply evidence that would be very good.

23 Is there anything else, Mr. Pascoe?

24 MR. PASCOE: No. Did you want to set a
25 start time for Tuesday the 2nd?

1 MADAM CHAIR: Yes, we can start at 8:30
2 on Tuesday. We are all going to be there.

3 Mr. Freidin always likes those early
4 mornings.

5 MR. FREIDIN: I like your first
6 suggestion. Let's visit that matter on Monday.

7 MADAM CHAIR: All right. We will see you
8 in Sudbury at the City Centre at 11 o'clock -- Civic
9 Square in Sudbury at 11:00 on Monday.

10
11 ---Whereupon the hearing was adjourned at 5:05 p.m., to
12 be reconvened on Wednesday, May 27, 1992 commencing
13 at 9:00 a.m.
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